



Sen. Iris Y. Martinez

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09600HB2440sam002

LRB096 10140 ASK 26902 a

1 AMENDMENT TO HOUSE BILL 2440

2 AMENDMENT NO. _____. Amend House Bill 2440 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by
5 changing Section 4.20 and adding Section 4.30 as follows:

6 (5 ILCS 80/4.20)

7 Sec. 4.20. Acts repealed on January 1, 2010 and December
8 31, 2010.

9 (a) The following Acts are repealed on January 1, 2010:

10 The Auction License Act.

11 The Illinois Architecture Practice Act of 1989.

12 The Illinois Landscape Architecture Act of 1989.

13 The Illinois Professional Land Surveyor Act of 1989.

14 The Land Sales Registration Act of 1999.

15 ~~The Orthotics, Prosthetics, and Podorthics Practice~~

16 ~~Act.~~

1 ~~The Perfusionist Practice Act.~~

2 The Professional Engineering Practice Act of 1989.

3 The Real Estate License Act of 2000.

4 The Structural Engineering Practice Act of 1989.

5 (b) The following Act is repealed on December 31, 2010:

6 The Medical Practice Act of 1987.

7 (Source: P.A. 95-1018, eff. 12-18-08.)

8 (5 ILCS 80/4.30 new)

9 Sec. 4.30. Acts repealed on January 1, 2020. The following
10 Acts are repealed on January 1, 2020:

11 The Orthotics, Prosthetics, and Pedorthics Practice Act.

12 The Perfusionist Practice Act.

13 Section 10. The Orthotics, Prosthetics, and Pedorthics
14 Practice Act is amended by changing Sections 5, 10, 15, 20, 25,
15 40, 55, 57, 60, 70, 80, 85, 90, 95, 100, 105, 110, 115, 120,
16 125, 130, 135, 150, and 160 and by adding Sections 77, 103, and
17 107 as follows:

18 (225 ILCS 84/5)

19 (Section scheduled to be repealed on January 1, 2010)

20 Sec. 5. Declaration of public policy. The practice of
21 orthotics and prosthetics in the State of Illinois is an allied
22 health profession ~~recognized by the American Medical~~
23 ~~Association,~~ with educational standards established by the

1 Commission on Accreditation of Allied Health Education
2 Programs. The practice of pedorthics in the State of Illinois
3 is an allied health profession with educational standards
4 established by the National Commission on Orthotic and
5 Prosthetic Education ~~recognized by the American Academy of~~
6 ~~Orthopaedic Surgeons, with educational standards established~~
7 ~~by the Board for Certification in Pedorthics.~~ The increasing
8 population of elderly and physically challenged individuals
9 who need orthotic, prosthetic, and pedorthic services requires
10 that the orthotic, prosthetic, and pedorthic professions be
11 regulated to ensure the provision of high-quality services and
12 devices. The people of Illinois deserve the best care
13 available, and will benefit from the assurance of initial and
14 ongoing professional competence of the orthotists,
15 prosthetists, and pedorthists practicing in this State. The
16 practice of orthotics, prosthetics, and pedorthics serves to
17 improve and enhance the lives of individuals with disabilities
18 by enabling them to resume productive lives following serious
19 illness, injury, or trauma. Unregulated dispensing of
20 orthotic, prosthetic, and pedorthic care does not adequately
21 meet the needs or serve the interests of the public. In keeping
22 with State requirements imposed on similar health disciplines,
23 licensure of the orthotic, prosthetic, and pedorthic
24 professions will help ensure the health and safety of
25 consumers, as well as maximize their functional abilities and
26 productivity levels. This Act shall be liberally construed to

1 best carry out these subjects and purposes.

2 (Source: P.A. 91-590, eff. 1-1-00.)

3 (225 ILCS 84/10)

4 (Section scheduled to be repealed on January 1, 2010)

5 Sec. 10. Definitions. As used in this Act:

6 "Accredited facility" means a facility which has been
7 accredited by the Center for Medicare Medicaid Services to
8 practice prosthetics, orthotics or pedorthics and which
9 represents itself to the public by title or description of
10 services that includes the term "prosthetic", "prosthetist",
11 "artificial limb", "orthotic", "orthotist", "brace",
12 "pedorthic", "pedorthist" or a similar title or description of
13 services.

14 "Address of record" means the designated address recorded
15 by the Department in the applicant's or licensee's application
16 file or license file maintained by the Department's licensure
17 maintenance unit. It is the duty of the applicant or licensee
18 to inform the Department of any change of address, and such
19 changes must be made either through the Department's website or
20 by contacting the Department.

21 "Assistant" means a person who is educated and trained to
22 participate in comprehensive orthotic or prosthetic care while
23 under the supervision, as defined by rule, of a licensed
24 orthotist or licensed prosthetist. Assistants may perform
25 orthotic or prosthetic procedures and related tasks in the

1 management of patient care. Assistants may also fabricate,
2 repair, and maintain orthoses and prostheses ~~assists an~~
3 ~~orthotist, prosthetist, or prosthetist/orthotist with patient~~
4 ~~care services and fabrication of orthoses or prostheses under~~
5 ~~the supervision of a licensed orthotist or prosthetist.~~

6 "Board" means the Board of Orthotics, Prosthetics, and
7 Pedorthics.

8 "Custom fabricated device" means an orthosis, prosthesis,
9 or pedorthic device fabricated to comprehensive measurements
10 or a mold or patient model for use by a patient in accordance
11 with a prescription and which requires clinical and technical
12 judgment in its design, fabrication, and fitting.

13 "Custom fitted device" means an orthosis, prosthesis, or
14 pedorthic device made to patient measurements sized or modified
15 for use by the patient in accordance with a prescription and
16 which requires clinical and technical judgment and substantive
17 alteration in its design. ~~"Custom" means that an orthosis,~~
18 ~~prosthesis, or pedorthic device is designed, fabricated, and~~
19 ~~aligned specifically for one person in accordance with sound~~
20 ~~biomechanical principles.~~

21 ~~"Custom fitted" means that a prefabricated orthosis,~~
22 ~~prosthesis, or pedorthic device is modified and aligned~~
23 ~~specifically for one person in accordance with sound~~
24 ~~biomechanical principles.~~

25 "Department" means the Department of Financial and
26 Professional Regulation.

1 ~~"Director" means the Director of Professional Regulation.~~

2 "Facility" means the business location where orthotic,
3 prosthetic, or pedorthic care is provided and, in the case of
4 an orthotic/prosthetic facility, has the appropriate clinical
5 and laboratory space and equipment to provide comprehensive
6 orthotic or prosthetic care and, in the case of a pedorthic
7 facility, has the appropriate clinical space and equipment to
8 provide pedorthic care. Licensed orthotists, prosthetists, and
9 pedorthists must be available to either provide care or
10 supervise the provision of care by unlicensed ~~registered~~ staff.

11 "Licensed orthotist" or "LO" means a person licensed under
12 this Act to practice orthotics and who represents himself or
13 herself to the public by title or description of services that
14 includes the term "orthotic", "orthotist", "brace", or a
15 similar title or description of services.

16 "Licensed pedorthist" or "LPed" means a person licensed
17 under this Act to practice pedorthics and who represents
18 himself or herself to the public by the title or description of
19 services that include the term "pedorthic", "pedorthist", or a
20 similar title or description of services.

21 "Licensed physician" means a person licensed under the
22 Medical Practice Act of 1987.

23 "Licensed podiatrist" means a person licensed under the
24 Podiatric Medical Practice Act of 1987.

25 "Licensed prosthetist" or "LP" means a person licensed
26 under this Act to practice prosthetics and who represents

1 himself or herself to the public by title or description of
2 services that includes the term "prosthetic", "prosthetist",
3 "artificial limb", or a similar title or description of
4 services.

5 "Off-the-shelf device" means a prefabricated orthosis,
6 prosthesis, or pedorthic device sized or modified for use by
7 the patient in accordance with a prescription and that does not
8 require substantial clinical judgment and substantive
9 alteration for appropriate use.

10 "Orthosis" means a custom-fabricated or custom-fitted
11 brace or support designed to provide for alignment, correction,
12 or prevention of neuromuscular or musculoskeletal dysfunction,
13 disease, injury, or deformity. "Orthosis" does not include
14 fabric or elastic supports, corsets, arch supports,
15 low-temperature plastic splints, trusses, elastic hoses,
16 canes, crutches, soft cervical collars, dental appliances, or
17 other similar devices carried in stock and sold as
18 "over-the-counter" items by a drug store, department store,
19 corset shop, or surgical supply facility.

20 "Orthotic and Prosthetic Education Program" means a course
21 of instruction accredited by the Commission on Accreditation of
22 Allied Health Education Programs, consisting of (i) a basic
23 curriculum of college level instruction in math, physics,
24 biology, chemistry, and psychology and (ii) a specific
25 curriculum in orthotic or prosthetic courses, including: (A)
26 lectures covering pertinent anatomy, biomechanics,

1 pathomechanics, prosthetic-orthotic components and materials,
2 training and functional capabilities, prosthetic or orthotic
3 performance evaluation, prescription considerations, etiology
4 of amputations and disease processes necessitating prosthetic
5 or orthotic use, and medical management; (B) subject matter
6 related to pediatric and geriatric problems; (C) instruction in
7 acute care techniques, such as immediate and early
8 post-surgical prosthetics and fracture bracing techniques; and
9 (D) lectures, demonstrations, and laboratory experiences
10 related to the entire process of measuring, casting, fitting,
11 fabricating, aligning, and completing prostheses or orthoses.

12 "Orthotic and prosthetic scope of practice" means a list of
13 tasks, with relative weight given to such factors as
14 importance, criticality, and frequency, based on
15 internationally accepted standards of orthotic and prosthetic
16 care as outlined by the International Society of Prosthetics
17 and Orthotics' professional profile for Category I and Category
18 III orthotic and prosthetic personnel.

19 "Orthotics" means the science and practice of evaluating,
20 measuring, designing, fabricating, assembling, fitting,
21 adjusting, or servicing an orthosis under an order from a
22 licensed physician or podiatrist for the correction or
23 alleviation of neuromuscular or musculoskeletal dysfunction,
24 disease, injury, or deformity.

25 "Orthotist" means a health care professional, specifically
26 educated and trained in orthotic patient care, who measures,

1 designs, fabricates, fits, or services orthoses and may assist
2 in the formulation of the order and treatment plan of orthoses
3 for the support or correction of disabilities caused by
4 neuro-musculoskeletal diseases, injuries, or deformities.

5 ~~person who measures, designs, fabricates, fits, or services~~
6 ~~orthoses and assists in the formulation of the order of~~
7 ~~orthoses as ordered by a licensed physician for the support or~~
8 ~~correction of disabilities caused by neuro musculoskeletal~~
9 ~~diseases, injuries, or deformities.~~

10 "Over-the-counter" means a prefabricated, mass-produced
11 device that is prepackaged and requires no professional advice
12 or judgement in either size selection or use, including fabric
13 or elastic supports, corsets, generic arch supports, elastic
14 hoses.

15 "Pedorthic device" means therapeutic shoes (e.g. diabetic
16 shoes and inserts), shoe modifications made for therapeutic
17 purposes, below the ankle partial foot prostheses, and foot
18 orthoses for use at the ankle or below. It also includes
19 subtalar-control foot orthoses designed to manage the function
20 of the anatomy by controlling the range of motion of the
21 subtalar joint. Excluding footwear, the proximal height of a
22 custom pedorthic device does not extend beyond the junction of
23 the gastrocnemius and the Achilles tendon. Pedorthic devices do
24 not include non-therapeutic inlays or footwear regardless of
25 method of manufacture; unmodified, non-therapeutic
26 over-the-counter shoes; or prefabricated foot care products.

1 "Therapeutic" devices address a medical condition, diagnosed
2 by a prescribing medical professional, while "non-therapeutic"
3 devices do not address a medical condition. ~~footwear, foot~~
4 ~~orthoses for use at the ankle or below, and modified footwear~~
5 ~~made for therapeutic purposes. "Pedorthic device" does not~~
6 ~~include non therapeutic accommodative inlays or~~
7 ~~non therapeutic accommodative footwear, regardless of method~~
8 ~~of manufacture, shoe modifications made for non therapeutic~~
9 ~~purposes, unmodified, over the counter shoes, or prefabricated~~
10 ~~foot care products.~~

11 "Pedorthic education program" means an educational program
12 accredited by the National Commission on Orthotic and
13 Prosthetic Education ~~a course of instruction accredited by the~~
14 ~~Board for Certification in Pedorthics~~ consisting of (i) a basic
15 curriculum of instruction in foot-related pathology of
16 diseases, anatomy, and biomechanics and (ii) a specific
17 curriculum in pedorthic courses, including lectures covering
18 shoes, foot orthoses, and shoe modifications, pedorthic
19 components and materials, training and functional
20 capabilities, pedorthic performance evaluation, prescription
21 considerations, etiology of disease processes necessitating
22 use of pedorthic devices, medical management, subject matter
23 related to pediatric and geriatric problems, and lectures,
24 demonstrations, and laboratory experiences related to the
25 entire process of measuring and casting, fitting, fabricating,
26 aligning, and completing pedorthic devices.

1 "Pedorthic scope of practice" means a list of tasks with
2 relative weight given to such factors as importance,
3 criticality, and frequency based on nationally accepted
4 standards of pedorthic care as outlined by the National
5 Commission on Orthotic and Prosthetic Education Board for
6 Certification in Pedorthics comprehensive analysis with an
7 empirical validation study of the profession performed by an
8 independent testing company.

9 "Pedorthics" means the science and practice of evaluating,
10 measuring, designing, fabricating, assembling, fitting,
11 adjusting, or servicing a pedorthic device under an order from
12 a licensed physician or podiatrist for the correction or
13 alleviation of neuromuscular or musculoskeletal dysfunction,
14 disease, injury, or deformity.

15 "Pedorthist" means a health care professional,
16 specifically educated and trained in pedorthic patient care,
17 who measures, designs, fabricates, fits, or services pedorthic
18 devices and may assist in the formulation of the order and
19 treatment plan of pedorthic devices for the support or
20 correction of disabilities caused by neuro-musculoskeletal
21 diseases, injuries, or deformities. ~~person who measures,~~
22 ~~designs, fabricates, fits, or services pedorthic devices and~~
23 ~~assists in the formulation of the order of pedorthic devices as~~
24 ~~ordered by a licensed physician for the support or correction~~
25 ~~of disabilities caused by neuro musculoskeletal diseases,~~
26 ~~injuries, or deformities.~~

1 "Person" means a natural person.

2 "Prosthesis" means an artificial medical device that is not
3 surgically implanted and that is used to replace a missing
4 limb, appendage, or any other external human body part
5 including an artificial limb, hand, or foot. "Prosthesis" does
6 not include artificial eyes, ears, fingers, or toes, dental
7 appliances, cosmetic devices such as artificial breasts,
8 eyelashes, or wigs, or other devices that do not have a
9 significant impact on the musculoskeletal functions of the
10 body.

11 "Prosthetics" means the science and practice of
12 evaluating, measuring, designing, fabricating, assembling,
13 fitting, adjusting, or servicing a prosthesis under an order
14 from a licensed physician.

15 "Prosthetist" means a health care professional,
16 specifically educated and trained in prosthetic patient care,
17 who measures, designs, fabricates, fits, or services
18 prostheses and may assist in the formulation of the order and
19 treatment plan of prostheses for the replacement of external
20 parts of the human body lost due to amputation or congenital
21 deformities or absences. ~~person who measures, designs,~~
22 ~~fabricates, fits, or services prostheses and assists in the~~
23 ~~formulation of the order of prostheses as ordered by a licensed~~
24 ~~physician for the replacement of external parts of the human~~
25 ~~body lost due to amputation or congenital deformities or~~
26 ~~absences.~~

1 "Prosthetist/orthotist" means a person who practices both
2 disciplines of prosthetics and orthotics and who represents
3 himself or herself to the public by title or by description of
4 services. A person who is currently licensed by the State as
5 both a licensed prosthetist and a licensed orthotist may use
6 the title "Licensed Prosthetist Orthotist" or "LPO".

7 "Resident" means a person who has completed an education
8 program in either orthotics or prosthetics and is continuing
9 his or her clinical education in a residency accredited by the
10 National Commission on Orthotic and Prosthetic Education.

11 "Residency" means a minimum of a one-year approved
12 supervised program to acquire practical clinical training in
13 orthotics or prosthetics in a patient care setting.

14 "Secretary" means the Secretary of Financial and
15 Professional Regulation.

16 "Technician" means a person who assists an orthotist,
17 prosthetist, prosthetist/orthotist, or pedorthist with
18 fabrication of orthoses, prostheses, or pedorthic devices but
19 does not provide direct patient care.

20 (Source: P.A. 91-590, eff. 1-1-00.)

21 (225 ILCS 84/15)

22 (Section scheduled to be repealed on January 1, 2010)

23 Sec. 15. Exceptions. This Act shall not be construed to
24 prohibit:

25 (1) a physician licensed in this State from engaging in the

1 practice for which he or she is licensed;

2 (2) a person licensed in this State under any other Act
3 from engaging in the practice for which he or she is licensed;

4 (3) the practice of orthotics, prosthetics, or pedorthics
5 by a person who is employed by the federal government or any
6 bureau, division, or agency of the federal government while in
7 the discharge of the employee's official duties;

8 (4) the practice of orthotics, prosthetics, or pedorthics
9 by (i) a student enrolled in a school of orthotics,
10 prosthetics, or pedorthics, (ii) a resident continuing his or
11 her clinical education in a residency accredited by the
12 National Commission on Orthotic and Prosthetic Education, or
13 (iii) a student in a qualified work experience program or
14 internship in pedorthics;

15 (5) the practice of orthotics, prosthetics, or pedorthics
16 by one who is an orthotist, prosthetist, or pedorthist licensed
17 under the laws of another state or territory of the United
18 States or another country and has applied in writing to the
19 Department, in a form and substance satisfactory to the
20 Department, for a license as orthotist, prosthetist, or
21 pedorthist and who is qualified to receive the license under
22 Section 40 until (i) the expiration of 6 months after the
23 filing of the written application, (ii) the withdrawal of the
24 application, or (iii) the denial of the application by the
25 Department;

26 (6) a person licensed by this State as a physical

1 therapist, ~~or~~ occupational therapist, or advanced practice
2 nurse from engaging in his or her profession; or

3 (7) a physician licensed under the Podiatric Medical
4 Practice Act of 1997 from engaging in his or her profession.

5 (Source: P.A. 91-590, eff. 1-1-00.)

6 (225 ILCS 84/20)

7 (Section scheduled to be repealed on January 1, 2010)

8 Sec. 20. Powers and duties of the Department.

9 (a) The Department shall exercise the powers and duties
10 prescribed by the Civil Administrative Code of Illinois for the
11 administration of licensure Acts and shall exercise other
12 powers and duties necessary for effectuating the purposes of
13 this Act.

14 (b) The Department shall ~~may~~ adopt rules to administer and
15 enforce this Act including, but not limited to, fees for
16 original licensure, ~~and~~ renewal and restoration of licenses and
17 may prescribe forms to be issued to implement its rules. The
18 Department shall exercise the powers and duties prescribed by
19 this Act. At a minimum, the rules adopted by the Department
20 shall include standards and criteria for licensure and for
21 professional conduct and discipline. The Department shall
22 consult with the Board in adopting rules. Notice of proposed
23 rulemaking shall be transmitted to the Board, and the
24 Department shall review the Board's response and inform the
25 Board of any deviations ~~any recommendations made in writing~~

1 ~~with proper explanation of deviations from the Board's~~
2 ~~recommendations and response.~~

3 (c) The Department at any time may seek the expert advice
4 and knowledge of the Board on any matter relating to the
5 enforcement of this Act.

6 ~~(d) Department may adopt rules as necessary to establish~~
7 ~~eligibility for facility registration and standards.~~

8 (Source: P.A. 91-590, eff. 1-1-00.)

9 (225 ILCS 84/25)

10 (Section scheduled to be repealed on January 1, 2010)

11 Sec. 25. Board of Orthotics, Prosthetics, and Pedorthics.

12 (a) There is established a Board of Orthotics, Prosthetics,
13 and Pedorthics, which shall consist of 6 voting members to be
14 appointed by the Secretary ~~Director~~. Three members shall be
15 practicing licensed orthotists, licensed prosthetists, or
16 licensed pedorthists. These members may be licensed in more
17 than one discipline and their appointments must equally
18 represent all 3 disciplines. One member shall be a member of
19 the public who is a consumer of orthotic, prosthetic, or
20 pedorthic professional services. One member shall be a public
21 member who is not licensed under this Act or a consumer of
22 services licensed under this Act. One member shall be a
23 licensed physician.

24 (b) Each member of the Board shall serve a term of 3 years,
25 except that of the initial appointments to the Board, 2 members

1 shall be appointed for one year, 2 members shall be appointed
2 for 2 years, and 2 members shall be appointed for 3 years. Each
3 member shall hold office and execute his or her Board
4 responsibilities until the qualification and appointment of
5 his or her successor. No member of the Board shall serve more
6 than 8 consecutive years or 2 full terms, whichever is greater.

7 (c) Members of the Board shall receive as compensation a
8 reasonable sum as determined by the Secretary ~~Director~~ for each
9 day actually engaged in the duties of the office and shall be
10 reimbursed for reasonable expenses incurred in performing the
11 duties of the office.

12 (d) Four members of the Board shall constitute a quorum. A
13 quorum is required for all Board decisions ~~A quorum of the~~
14 ~~Board shall consist of a majority of Board members currently~~
15 ~~appointed.~~

16 (e) The Secretary ~~Director~~ may terminate the appointment of
17 any member for cause which, in the opinion of the Secretary
18 ~~Director~~ reasonably justifies termination, which may include,
19 but is not limited to, a Board member who does not attend 2
20 consecutive meetings.

21 (f) Membership of the Board should reasonably reflect
22 representation from the geographic areas in this State.

23 (Source: P.A. 91-590, eff. 1-1-00.)

24 (225 ILCS 84/40)

25 (Section scheduled to be repealed on January 1, 2010)

1 Sec. 40. Qualifications for licensure as orthotist,
2 prosthetist, or pedorthist.

3 (a) To qualify for a license to practice orthotics or
4 prosthetics, a person shall:

5 (1) possess a baccalaureate degree from a college or
6 university;

7 (2) have completed the amount of formal training,
8 including, but not limited to, any hours of classroom
9 education and clinical practice established and approved
10 by the Department;

11 (3) complete a clinical residency in the professional
12 area for which a license is sought in accordance with
13 standards, guidelines, or procedures for residencies
14 inside or outside this State established and approved by
15 the Department. The majority of training must be devoted to
16 services performed under the supervision of a licensed
17 practitioner of orthotics or prosthetics or a person
18 certified as a Certified Orthotist (CO), Certified
19 Prosthetist (CP), or Certified Prosthetist Orthotist (CPO)
20 whose practice is located outside of the State
21 ~~certification was obtained before the effective date of~~
22 ~~this Act;~~

23 (4) pass all written, practical, and oral examinations
24 that are required and approved by the Department; and

25 (5) be qualified to practice in accordance with
26 internationally accepted standards of orthotic and

1 prosthetic care.

2 (b) To qualify for a license to practice pedorthics, a
3 person shall:

4 (1) submit proof of ~~possess~~ a high school diploma or
5 its equivalent;

6 (2) have completed the amount of formal training,
7 including, but not limited to, any hours of classroom
8 education and clinical practice established and approved
9 by the Department;

10 (3) complete a qualified work experience program or
11 internship in pedorthics that has a minimum of 1,000 hours
12 of pedorthic patient care experience in accordance with any
13 standards, guidelines, or procedures established and
14 approved by the Department. The majority of training must
15 be devoted to services performed under the supervision of a
16 licensed practitioner of pedorthics or a person certified
17 as a Certified Pedorthist (C.Ped) whose practice is located
18 outside of the State;

19 (4) pass all examinations that are required and
20 approved by the Department; and

21 (5) be qualified to practice in accordance with
22 nationally accepted standards of pedorthic care.

23 (c) The standards and requirements for licensure
24 established by the Department shall be substantially equal to
25 or in excess of standards commonly accepted in the profession
26 of orthotics, prosthetics, or pedorthics. The Department shall

1 adopt rules as necessary to set the standards and requirements.

2 (d) A person may be licensed in more than one discipline.

3 (Source: P.A. 91-590, eff. 1-1-00.)

4 (225 ILCS 84/55)

5 (Section scheduled to be repealed on January 1, 2010)

6 Sec. 55. License required ~~Transition period.~~

7 ~~(a) Until January 1, 2002, a person certified as a~~
8 ~~Certified Orthotist (CO), Certified Prosthetist (CP), or~~
9 ~~Certified Prosthetist Orthotist (CPO) by the American Board for~~
10 ~~Certification in Prosthetics and Orthotics, Incorporated, or~~
11 ~~holding similar certifications from other accrediting bodies~~
12 ~~with equivalent educational requirements and examination~~
13 ~~standards may apply for and shall be granted orthotic or~~
14 ~~prosthetic licensure under this Act upon payment of the~~
15 ~~required fee. After that date, any applicant for licensure as~~
16 ~~an orthotist or a prosthetist shall meet the requirements of~~
17 ~~subsection (a) of Section 40 of this Act.~~

18 ~~(b) Until January 1, 2002, a person certified as a~~
19 ~~Certified Pedorthist (CPed) by the Board for Certification in~~
20 ~~Pedorthics, Incorporated, or a person certified as a Certified~~
21 ~~Orthotist (CO) or Certified Prosthetist Orthotist (CPO) by the~~
22 ~~American Board for Certification in Prosthetics and Orthotics,~~
23 ~~Incorporated, or holding similar certifications from other~~
24 ~~accrediting bodies with equivalent educational requirements~~
25 ~~and examination standards may apply for and shall be granted~~

1 ~~pedorthic licensure under this Act upon payment of the required~~
2 ~~fee. After that date, any applicant for licensure as a~~
3 ~~pedorthist shall meet the requirements of subsection (b) of~~
4 ~~Section 40 of this Act.~~

5 ~~No~~ (c) ~~On and after January 1, 2002, no person shall~~
6 ~~practice orthotics, prosthetics, or pedorthics in this State or~~
7 ~~hold himself or herself out as being able to practice either~~
8 ~~profession, unless he or she is licensed in accordance with~~
9 ~~Section 40 of this Act.~~

10 ~~(d) Notwithstanding any other provision of this Section, a~~
11 ~~person who has practiced full-time for the past 7 years in a~~
12 ~~prosthetic/orthotic facility as an orthotist, prosthetist,~~
13 ~~prosthetist/orthotist, assistant, or technician or in a~~
14 ~~pedorthic facility as a pedorthist or pedorthic technician on~~
15 ~~the effective date of this Act may file an application with the~~
16 ~~Board within 60 days after the enforcement of this Section~~
17 ~~begins pursuant to Section 56 of this Act in order to continue~~
18 ~~to practice orthotics, prosthetics, or pedorthics at his or her~~
19 ~~identified level of practice. The applicant shall be issued a~~
20 ~~license or certificate of registration to practice orthotics,~~
21 ~~prosthetics, or pedorthics under the provisions of this Act~~
22 ~~without examination upon receipt by the Department of payment~~
23 ~~of the licensing or registration fee required under Section 70~~
24 ~~of this Act and after the Board has completed an investigation~~
25 ~~of the applicant's work history. The Board shall complete its~~
26 ~~investigation for the purposes of this Section within 6 months~~

1 ~~of the date of the application. The investigation may include,~~
2 ~~but is not limited to, completion by the applicant of a~~
3 ~~questionnaire regarding the applicant's work history and scope~~
4 ~~of practice.~~

5 (Source: P.A. 91-590, eff. 1-1-00.)

6 (225 ILCS 84/57)

7 (Section scheduled to be repealed on January 1, 2010)

8 Sec. 57. Limitation on provision of care and services. A
9 licensed orthotist, prosthetist, or pedorthist may provide
10 care or services only if the care or services are provided
11 pursuant to an order from (i) a licensed physician, (ii) a ~~or~~
12 podiatrist, (iii) an advanced practice nurse who has a written
13 collaborative agreement with a collaborating physician or
14 podiatrist that specifically authorizes ordering the services
15 of an orthotist, prosthetist or pedorthist, (iv) an advanced
16 practice nurse who practices in a hospital or ambulatory
17 surgical treatment center and possesses clinical privileges to
18 order services of an orthotist, prosthetist, or pedorthist, or
19 (v) a physician assistant who has been delegated the authority
20 to order the services of an orthotist, prosthetist, or
21 pedorthist by his or her supervising physician. A licensed
22 podiatrist or advanced practice nurse collaborating with a
23 podiatrist may only order care or services concerning the foot
24 from a licensed prosthetist. A licensed prosthetist may provide
25 ~~care or services only if the care or services are provided~~

1 ~~pursuant to an order from a licensed physician.~~

2 (Source: P.A. 91-590, eff. 1-1-00.)

3 (225 ILCS 84/60)

4 (Section scheduled to be repealed on January 1, 2010)

5 Sec. 60. Renewal; restoration; military service; inactive
6 status.

7 (a) The expiration date and renewal period for each license
8 issued under this Act shall be set by rule of the Department.
9 The Board shall establish continuing education requirements
10 for the renewal of a license. These requirements shall be based
11 on established standards of competence.

12 (b) A person who has permitted his or her license to expire
13 or who has had his or her license on inactive status may have
14 his or her license restored by (i) making application to the
15 Department, (ii) filing proof acceptable to the Department of
16 his or her fitness to have his or her license restored
17 including, but not limited to, sworn evidence certifying to
18 active practice in another jurisdiction satisfactory to the
19 Department, and (iii) paying the required restoration fee. If
20 the person has not maintained an active practice in another
21 jurisdiction satisfactory to the Department, the Board shall
22 determine, by an evaluation program established by rule, his or
23 her fitness to resume active status and may require the person
24 to complete a period of evaluated clinical experience and may
25 require successful completion of an examination.

1 (c) A person whose license expired while he or she was (i)
2 in federal service on active duty within the armed forces of
3 the United States or with the State militia called into service
4 or training or (ii) in training or education under the
5 supervision of the United States preliminary to induction into
6 military service may have his or her license renewed or
7 restored without paying a lapsed renewal fee if, within 2 years
8 after termination from the service, training, or education
9 except under conditions other than honorable, he or she
10 furnished the Department with satisfactory evidence that he or
11 she has been so engaged and that his or her service, training,
12 or education has been terminated.

13 (d) A person who notifies the Department in writing on
14 forms prescribed by the Department may elect to place his or
15 her license on an inactive status and shall, subject to rules
16 of the Department, be excused from payment of renewal fees
17 until he or she notifies the Department in writing of his or
18 her desire to resume active status.

19 (e) A person requesting restoration from inactive status
20 shall be required to pay the current renewal fee and shall be
21 required to restore his or her license as provided in Section
22 60 of this Act.

23 (f) An orthotist, prosthetist, or pedorthist whose license
24 is on inactive status shall not practice orthotics,
25 prosthetics, or pedorthics in this State.

26 (Source: P.A. 91-590, eff. 1-1-00.)

1 (225 ILCS 84/70)

2 (Section scheduled to be repealed on January 1, 2010)

3 Sec. 70. Endorsement. The Department may, at its
4 discretion, license as either an orthotist, prosthetist, or
5 pedorthist, without examination and on payment of the required
6 fee, an applicant who is an orthotist, prosthetist, or
7 pedorthist who is (i) licensed under the laws of another state,
8 territory, or country, if the requirements for licensure in
9 that state, territory, or country in which the applicant was
10 licensed were, at the date of his or her licensure,
11 substantially equal to the requirements in force in this State
12 on that date or (ii) certified by a national certification
13 organization with educational and testing standards as set
14 forth by rule ~~equal to or more stringent than the licensing~~
15 ~~requirements of this State.~~

16 (Source: P.A. 91-590, eff. 1-1-00.)

17 (225 ILCS 84/77 new)

18 Sec. 77. Returned checks; fines. Any person who delivers a
19 check or other payment to the Department that is returned to
20 the Department unpaid by the financial institution upon which
21 it is drawn shall pay to the Department, in addition to the
22 amount already owed to the Department, a fine of \$50. The fines
23 imposed by this Section are in addition to any other discipline
24 provided under this Act for unlicensed practice or practice on

1 a non-renewed license. The Department shall notify the person
2 that payment of fees and fines shall be made to the Department
3 by certified check or money order within 30 calendar days of
4 the notification. If, after the expiration of 30 days from the
5 date of the notification, the person has failed to submit the
6 necessary remittance, the Department shall automatically
7 terminate the license or deny the application, without hearing.
8 If, after termination or denial, the person seeks a license, he
9 or she shall apply to the Department for restoration or
10 issuance of the license and pay all fees and fines due to the
11 Department. The Department may establish a fee for the
12 processing of an application for restoration of a license,
13 designed to cover all expenses of processing the application.
14 The Secretary may waive the fines due under this Section in
15 individual cases where the Secretary finds that the fines would
16 be unreasonable or unnecessarily burdensome.

17 (225 ILCS 84/80)

18 (Section scheduled to be repealed on January 1, 2010)

19 Sec. 80. Roster of licensees and registrants. The
20 Department shall maintain a current roster of the names and
21 addresses of all licensees, registrants, and all persons whose
22 licenses have been suspended, ~~or~~ revoked, or otherwise
23 disciplined ~~within the previous year~~. This roster shall be
24 available upon written request and payment of the required fee.

25 (Source: P.A. 91-590, eff. 1-1-00.)

1 (225 ILCS 84/85)

2 (Section scheduled to be repealed on January 1, 2010)

3 Sec. 85. Practice by corporations. Nothing in this Act
4 shall restrict licensees from forming professional service
5 corporations under and in accordance with the provisions of the
6 Professional Service Corporation Act.

7 (Source: P.A. 91-590, eff. 1-1-00.)

8 (225 ILCS 84/90)

9 (Section scheduled to be repealed on January 1, 2010)

10 Sec. 90. Grounds for discipline.

11 (a) The Department may refuse to issue or renew a license,
12 or may revoke or suspend a license, or may suspend, place on
13 probation, ~~censure~~, or reprimand a licensee or take other
14 disciplinary or non-disciplinary action as the Department may
15 deem proper, including, but not limited to, the imposition of
16 fines not to exceed \$10,000 for each violation for one or any
17 combination of the following:

18 (1) Making a material misstatement in furnishing
19 information to the Department or the Board.

20 (2) Violations of or negligent or intentional
21 disregard of this Act or its rules.

22 (3) Conviction of, or entry of a plea of guilty or nolo
23 contendere to any crime that is a felony under the laws of
24 the United States or any state or territory thereof or that

1 is a misdemeanor of which an essential element is
2 dishonesty, or any crime that is directly related to the
3 practice of the profession ~~Conviction of any crime that~~
4 ~~under the laws of the United States or of a state or~~
5 ~~territory of the United States is a felony or a~~
6 ~~misdemeanor, an essential element of which is dishonesty,~~
7 ~~or of a crime that is directly related to the practice of~~
8 ~~the profession.~~

9 (4) Making a misrepresentation for the purpose of
10 obtaining a license.

11 (5) A pattern of practice or other behavior that
12 demonstrates incapacity or incompetence to practice under
13 this Act.

14 (6) Gross negligence under this Act.

15 (7) Aiding or assisting another person in violating a
16 provision of this Act or its rules.

17 (8) Failing to provide information within 60 days in
18 response to a written request made by the Department.

19 (9) Engaging in dishonorable, unethical, or
20 unprofessional conduct or conduct of a character likely to
21 deceive, defraud, or harm the public.

22 (10) Inability to practice with reasonable judgment,
23 skill, or safety as a result of habitual or excessive use
24 or addiction to alcohol, narcotics, stimulants, or any
25 other chemical agent or drug ~~Habitual intoxication or~~
26 ~~addiction to the use of drugs.~~

1 (11) Discipline by another state or territory of the
2 United States, the federal government, or foreign nation,
3 if at least one of the grounds for the discipline is the
4 same or substantially equivalent to one set forth in this
5 Section.

6 (12) Directly or indirectly giving to or receiving from
7 a person, firm, corporation, partnership, or association a
8 fee, commission, rebate, or other form of compensation for
9 professional services not actually or personally rendered.

10 (13) A finding by the Board that the licensee or
11 registrant, after having his or her license placed on
12 probationary status, has violated the terms of probation.

13 (14) Abandonment of a patient or client.

14 (15) Willfully ~~Wilfully~~ making or filing false records
15 or reports in his or her practice including, but not
16 limited to, false records filed with State agencies or
17 departments.

18 (16) Willfully ~~Wilfully~~ failing to report an instance
19 of suspected child abuse or neglect as required by the
20 Abused and Neglected Child Reporting Act.

21 (17) Inability to practice the profession with
22 reasonable judgment, skill, or safety as a result of a
23 physical illness, including, but not limited to,
24 deterioration through the aging process or loss of motor
25 skill, or a mental illness or disability ~~Physical illness~~
26 ~~including, but not limited to, deterioration through the~~

1 ~~aging process or loss of motor skill that results in the~~
2 ~~inability to practice the profession with reasonable~~
3 ~~judgement, skill, or safety.~~

4 (18) Solicitation of professional services using false
5 or misleading advertising.

6 (b) In enforcing this Section, the Department or Board upon
7 a showing of a possible violation, may compel a licensee or
8 applicant to submit to a mental or physical examination, or
9 both, as required by and at the expense of the Department. The
10 Department or Board may order the examining physician to
11 present testimony concerning the mental or physical
12 examination of the licensee or applicant. No information shall
13 be excluded by reason of any common law or statutory privilege
14 relating to communications between the licensee or applicant
15 and the examining physician. The examining physicians shall be
16 specifically designated by the Board or Department. The
17 individual to be examined may have, at his or her own expense,
18 another physician of his or her choice present during all
19 aspects of this examination. Failure of an individual to submit
20 to a mental or physical examination, when directed, shall be
21 grounds for the immediate suspension of his or her license
22 until the individual submits to the examination if the
23 Department finds that the refusal to submit to the examination
24 was without reasonable cause as defined by rule.

25 In instances in which the Secretary immediately suspends a
26 person's license for his or her failure to submit to a mental

1 or physical examination, when directed, a hearing on that
2 person's license must be convened by the Department within 15
3 days after the suspension and completed without appreciable
4 delay.

5 In instances in which the Secretary otherwise suspends a
6 person's license pursuant to the results of a compelled mental
7 or physical examination, a hearing on that person's license
8 must be convened by the Department within 15 days after the
9 suspension and completed without appreciable delay. The
10 Department and Board shall have the authority to review the
11 subject individual's record of treatment and counseling
12 regarding the impairment to the extent permitted by applicable
13 federal statutes and regulations safeguarding the
14 confidentiality of medical records.

15 An individual licensed under this Act and affected under
16 this Section shall be afforded an opportunity to demonstrate to
17 the Department or Board that he or she can resume practice in
18 compliance with acceptable and prevailing standards under the
19 provisions of his or her license. ~~The determination by a~~
20 ~~ircuit court that a licensee or registrant is subject to~~
21 ~~involuntary admission or judicial admission, as provided in the~~
22 ~~Mental Health and Developmental Disabilities Code, operates as~~
23 ~~an automatic suspension. The suspension will end only upon (i)~~
24 ~~a finding by a court that the patient is no longer subject to~~
25 ~~involuntary admission or judicial admission and the issuance of~~
26 ~~a court order so finding and discharging the patient and (ii)~~

1 ~~the recommendation of the Board to the Director that the~~
2 ~~licensee or registrant be allowed to resume his or her~~
3 ~~practice.~~

4 (c) The Department shall deny a license or renewal
5 authorized by this Act to a person who has defaulted on an
6 educational loan or scholarship provided or guaranteed by the
7 Illinois Student Assistance Commission or any governmental
8 agency of this State in accordance with subsection (a)(5) of
9 Section 15 of the Department of Professional Regulation Law of
10 the Civil Administrative Code of Illinois (20 ILCS
11 2105/2105-15). ~~In enforcing this Section, the Department or~~
12 ~~Board upon a showing of a possible violation may compel an~~
13 ~~individual licensed to practice under this Act, or who has~~
14 ~~applied for licensure under this Act, to submit to a mental or~~
15 ~~physical examination, or both, as required by and at the~~
16 ~~expense of the Department. The Department or Board may order~~
17 ~~the examining physician to present testimony concerning the~~
18 ~~mental or physical examination of the licensee or applicant. No~~
19 ~~information shall be excluded by reason of any common law or~~
20 ~~statutory privilege relating to communications between the~~
21 ~~licensee or applicant and the examining physician. The~~
22 ~~examining physicians shall be specifically designated by the~~
23 ~~Board or Department. The individual to be examined may have, at~~
24 ~~his or her own expense, another physician of his or her choice~~
25 ~~present during all aspects of this examination. The examination~~
26 ~~shall be performed by a physician licensed to practice medicine~~

1 ~~in all its branches. Failure of an individual to submit to a~~
2 ~~mental or physical examination, when directed, shall be grounds~~
3 ~~for suspension of his or her license until the individual~~
4 ~~submits to the examination if the Department finds, after~~
5 ~~notice and hearing, that the refusal to submit to the~~
6 ~~examination was without reasonable cause.~~

7 ~~If the Department or Board finds an individual unable to~~
8 ~~practice because of the reasons set forth in this Section, the~~
9 ~~Department or Board may require that individual to submit to~~
10 ~~care, counseling, or treatment by physicians approved or~~
11 ~~designated by the Department or Board, as a condition, term, or~~
12 ~~restriction for continued, reinstated, or renewed licensure to~~
13 ~~practice; or, in lieu of care, counseling, or treatment, the~~
14 ~~Department may file, or the Board may recommend to the~~
15 ~~Department to file, a complaint to immediately suspend, revoke,~~
16 ~~or otherwise discipline the license of the individual. An~~
17 ~~individual whose license was granted, continued, reinstated,~~
18 ~~renewed, disciplined or supervised subject to such terms,~~
19 ~~conditions, or restrictions, and who fails to comply with such~~
20 ~~terms, conditions, or restrictions, shall be referred to the~~
21 ~~Director for a determination as to whether the individual shall~~
22 ~~have his or her license suspended immediately, pending a~~
23 ~~hearing by the Department.~~

24 ~~In instances in which the Director immediately suspends a~~
25 ~~person's license under this Section, a hearing on that person's~~
26 ~~license must be convened by the Department within 15 days after~~

1 ~~the suspension and completed without appreciable delay. The~~
2 ~~Department and Board shall have the authority to review the~~
3 ~~subject individual's record of treatment and counseling~~
4 ~~regarding the impairment to the extent permitted by applicable~~
5 ~~federal statutes and regulations safeguarding the~~
6 ~~confidentiality of medical records.~~

7 ~~An individual licensed under this Act and affected under~~
8 ~~this Section shall be afforded an opportunity to demonstrate to~~
9 ~~the Department or Board that he or she can resume practice in~~
10 ~~compliance with acceptable and prevailing standards under the~~
11 ~~provisions of his or her license.~~

12 (d) In cases where the Department of Healthcare and Family
13 Services (formerly Department of Public Aid) has previously
14 determined that a licensee or a potential licensee is more than
15 30 days delinquent in the payment of child support and has
16 subsequently certified the delinquency to the Department, the
17 Department may refuse to issue or renew or may revoke or
18 suspend that person's license or may take other disciplinary
19 action against that person based solely upon the certification
20 of delinquency made by the Department of Healthcare and Family
21 Services in accordance with subsection (a) (5) of Section 15 of
22 the Department of Professional Regulation Law of the Civil
23 Administrative Code of Illinois (20 ILCS 2105/2105-15).

24 (e) The Department may refuse to issue or renew a license,
25 or may revoke or suspend a license, for failure to file a
26 return, to pay the tax, penalty, or interest shown in a filed

1 return, or to pay any final assessment of tax, penalty, or
2 interest as required by any tax Act administered by the
3 Department of Revenue, until such time as the requirements of
4 the tax Act are satisfied in accordance with subsection (g) of
5 Section 15 of the Department of Professional Regulation Law of
6 the Civil Administrative Code of Illinois (20 ILCS
7 2105/2105-15).

8 (Source: P.A. 91-590, eff. 1-1-00.)

9 (225 ILCS 84/95)

10 (Section scheduled to be repealed on January 1, 2010)

11 Sec. 95. Injunction; cease and desist order.

12 (a) If any person, company, or corporation violates a
13 provision of this Act, the Secretary ~~Director~~ may, in the name
14 of the People of the State of Illinois and through the Attorney
15 General of the State of Illinois or the States Attorney of the
16 county in which the violation is alleged to have occurred,
17 petition for an order enjoining the violation or for an order
18 enforcing compliance with this Act. Upon the filing of a
19 verified petition in court, the court may issue a temporary
20 restraining order, without notice or bond, and may
21 preliminarily and permanently enjoin the violation. If it is
22 established that the person, company, or corporation has
23 violated or is violating the injunction, the court may punish
24 the offender for contempt of court. Proceedings under this
25 Section shall be in addition to, and not in lieu of, all other

1 remedies and penalties provided by this Act.

2 (b) If a person practices as an orthotist, prosthetist, or
3 pedorthist or holds himself or herself out as an orthotist,
4 prosthetist, or pedorthist without being licensed ~~or~~
5 ~~registered~~ under the provisions of this Act, then any other
6 licensed ~~or registered~~ orthotist, prosthetist, or pedorthist,
7 any interested party, or any person injured by the person may,
8 in addition to the Secretary ~~Director~~, petition for relief as
9 provided in subsection (a) of this Section.

10 (c) If a company or corporation holds itself out to provide
11 orthotic, prosthetic, or pedorthic services without having an
12 orthotist, prosthetist, or pedorthist licensed under the
13 provisions of this Act on its staff to provide those services,
14 then any other licensed orthotist, prosthetist, or pedorthist
15 or any interested party or injured person may, in addition to
16 the Secretary, petition for relief as provided in subsection
17 (a) of this Section.

18 (d) Whenever in the opinion of the Department a person,
19 company, or corporation violates a provision of this Act, the
20 Department may issue a rule to show cause why an order to cease
21 and desist should not be entered against him, ~~or~~ her, or it.
22 The rule shall clearly set forth the grounds relied upon by the
23 Department and shall provide a period of 7 days from the date
24 of the rule to file an answer to the satisfaction of the
25 Department. Failure to answer to the satisfaction of the
26 Department shall cause an order to cease and desist to be

1 issued immediately.

2 (Source: P.A. 91-590, eff. 1-1-00.)

3 (225 ILCS 84/100)

4 (Section scheduled to be repealed on January 1, 2010)

5 Sec. 100. Investigations; notice and hearing.

6 (a) The Department may investigate the actions of an
7 applicant or of a person or persons holding or claiming to hold
8 a license.

9 (b) The Department may also investigate the actions of a
10 company or corporation that holds itself out to provide
11 orthotic, prosthetic, or pedorthic services with or without
12 having an orthotist, prosthetist, or pedorthist licensed under
13 the provisions of this Act on its staff to provide those
14 services.

15 (c) Before refusing to issue or renew a license or taking
16 any other disciplinary action with respect to a license, the
17 Department shall, at least 30 ~~10~~ days prior to the date set for
18 the hearing, notify in writing the applicant for or holder of a
19 license of the nature of the charges and that a hearing will be
20 held on the date designated. The written notice may be served
21 by personal delivery or by certified or registered mail to the
22 respondent at the address of record with the Department
23 ~~disclosed on his or her last notification to the Department.~~ At
24 the time and place fixed in the notice, the Board shall proceed
25 to hear the charges. The parties or their counsel shall be

1 afforded ample opportunity to present statements, testimony,
2 evidence, and argument that may be pertinent to the charges or
3 to the defense to the charges. The Board may continue the
4 hearing from time to time.

5 (Source: P.A. 91-590, eff. 1-1-00.)

6 (225 ILCS 84/103 new)

7 Sec. 103. Subpoenas; depositions; oaths.

8 (a) The Department has the power to subpoena documents,
9 books, records, or other materials and to bring before it any
10 person and to take testimony either orally or by deposition, or
11 any combination thereof, with the same fees and mileage and in
12 the same manner as prescribed in civil cases in the courts of
13 this State.

14 (b) The Secretary, the designated hearing officer, and
15 every member of the Board has the power to administer oaths to
16 witnesses at any hearing that the Department is authorized to
17 conduct, and any other oaths authorized in any Act administered
18 by the Department.

19 (225 ILCS 84/105)

20 (Section scheduled to be repealed on January 1, 2010)

21 Sec. 105. Record of proceedings ~~Transcript.~~ The
22 Department, at its own expense, shall preserve a record of all
23 proceedings at the formal hearing of any ~~a~~ case ~~involving the~~
24 ~~refusal to issue or renew a license.~~ The notice of hearing,

1 complaint, and all other documents in the nature of pleadings
2 and written motions filed in the proceedings, the transcripts
3 ~~transcript~~ of testimony, the report of the Board, and orders of
4 the Department shall be in the record of the proceeding.

5 (Source: P.A. 91-590, eff. 1-1-00.)

6 (225 ILCS 84/107 new)

7 Sec. 107. Unlicensed practice; civil penalty.

8 (a) Any person who practices, offers to practice, attempts
9 to practice, or holds oneself out to practice orthotics,
10 prosthetics, or pedorthics or performs the functions and duties
11 of orthotist, prosthetist, or pedorthist without being
12 licensed under this Act shall, in addition to any other penalty
13 provided by law, pay a civil penalty to the Department in an
14 amount not to exceed \$10,000 for each offense as determined by
15 the Department. The civil penalty shall be assessed by the
16 Department after a hearing is held in accordance with the
17 provisions set forth in this Act regarding the provision of a
18 hearing for the discipline of a licensee.

19 (b) Any company or corporation that offers to practice,
20 attempts to practice, or holds itself out to provide orthotic,
21 prosthetic, or pedorthic services without having an orthotist,
22 prosthetist, or pedorthist licensed under the provisions of
23 this Act on its staff to provide those services shall, in
24 addition to any other penalty provided by law, pay a civil
25 penalty to the Department in an amount not to exceed \$10,000

1 for each offense as determined by the Department. The civil
2 penalty shall be assessed by the Department after a hearing is
3 held in accordance with the provisions set forth in this Act
4 regarding the provision of a hearing for the discipline of a
5 licensee.

6 (c) The Department has the authority and power to
7 investigate any and all unlicensed activity.

8 (d) The civil penalty shall be paid within 60 days after
9 the effective date of the order imposing the civil penalty. The
10 order shall constitute a judgment and may be filed and
11 execution had thereon in the same manner as any judgment from
12 any court of record.

13 (225 ILCS 84/110)

14 (Section scheduled to be repealed on January 1, 2010)

15 Sec. 110. Compelling testimony. A circuit court may, upon
16 application of the Secretary ~~Director~~ or his or her designee or
17 the applicant or licensee against whom proceedings under
18 Section 100 of this Act are pending, enter an order requiring
19 the attendance of witnesses and their testimony and requiring
20 the production of documents, papers, files, books, and records
21 in connection with a hearing or investigation. The court may
22 compel obedience to its order through contempt proceedings.

23 (Source: P.A. 91-590, eff. 1-1-00.)

24 (225 ILCS 84/115)

1 (Section scheduled to be repealed on January 1, 2010)

2 Sec. 115. Board findings and recommendations. At the
3 conclusion of a hearing, the Board shall present to the
4 Secretary ~~Director~~ a written report of its findings and
5 recommendations. The report shall contain a finding of whether
6 or not the accused person violated this Act or failed to comply
7 with the conditions required in this Act. The Board shall
8 specify the nature of the violation or failure to comply and
9 shall make its recommendations to the Secretary ~~Director~~. The
10 report of findings and recommendations of the Board shall be
11 the basis for the Department's order for the refusal or for the
12 granting of a license, unless the Secretary ~~Director~~ determines
13 that the Board report is contrary to the manifest weight of the
14 evidence, in which case the Secretary ~~Director~~ may issue an
15 order in contravention to the Board report. A Board finding is
16 not admissible in evidence against the person in a criminal
17 prosecution brought for a violation of this Act, but the
18 hearing and finding are not a bar to a criminal prosecution
19 brought for a violation of this Act.

20 (Source: P.A. 91-590, eff. 1-1-00.)

21 (225 ILCS 84/120)

22 (Section scheduled to be repealed on January 1, 2010)

23 Sec. 120. Motion for rehearing. In any case involving the
24 refusal to issue or renew a license or the discipline of a
25 licensee, a copy of the Board's report shall be served upon the

1 respondent by the Department, either personally or as provided
2 in this Act for the service of the notice of hearing. Within 20
3 days after service, the respondent may present to the
4 Department a motion in writing for a rehearing, which shall
5 specify the particular grounds for rehearing. If no motion for
6 rehearing is filed, then upon the expiration of the time
7 specified for filing the motion, or if a motion for rehearing
8 is denied, upon the denial, the Secretary ~~Director~~ may enter an
9 order in accordance with recommendations of the Board, except
10 as provided in Section 115 of this Act. If the respondent
11 orders from the reporting service and pays for a transcript of
12 the record within the time for filing a motion for rehearing,
13 the 20-day period within which the motion may be filed shall
14 commence upon the delivery of the transcript to the respondent.
15 (Source: P.A. 91-590, eff. 1-1-00.)

16 (225 ILCS 84/125)

17 (Section scheduled to be repealed on January 1, 2010)

18 Sec. 125. Rehearing on order of Secretary ~~Director~~.
19 Whenever the Secretary ~~Director~~ is not satisfied that
20 substantial justice has been done in the revocation,
21 suspension, or refusal to issue or renew a license the
22 Secretary ~~Director~~ may order a rehearing by the same or other
23 examiners.

24 (Source: P.A. 91-590, eff. 1-1-00.)

1 (225 ILCS 84/130)

2 (Section scheduled to be repealed on January 1, 2010)

3 Sec. 130. Appointment of hearing officer. The Secretary
4 ~~Director~~ shall have the authority to appoint an attorney
5 licensed to practice law in the State of Illinois to serve as a
6 hearing officer in an action for refusal to issue or renew a
7 license or to discipline a licensee. The hearing officer shall
8 have full authority to conduct the hearing. The hearing officer
9 shall report his or her findings and recommendations to the
10 Board and the Secretary ~~Director~~. The Board shall have 60 days
11 from receipt of the report to review the report of the hearing
12 officer and present its findings of fact, conclusions of law,
13 and recommendations to the Secretary ~~Director~~. If the Board
14 fails to present its report within the 60-day period, the
15 Secretary ~~Director~~ shall issue an order based on the report of
16 the hearing officer. If the Secretary ~~Director~~ determines that
17 the Board's report is contrary to the manifest weight of the
18 evidence, he or she may issue an order in contravention of the
19 Board's report. Nothing in this Section shall prohibit a Board
20 member from attending an informal conference and such
21 participation shall not be grounds for recusal from any other
22 proceeding.

23 (Source: P.A. 91-590, eff. 1-1-00.)

24 (225 ILCS 84/135)

25 (Section scheduled to be repealed on January 1, 2010)

1 Sec. 135. Order or certified copy. An order or a certified
2 copy of an order, over the seal of the Department and
3 purporting to be signed by the Secretary ~~Director~~, shall be
4 prima facie proof:

5 (1) that the signature is the genuine signature of the
6 Secretary ~~Director~~;

7 (2) that the Secretary ~~Director~~ is duly appointed and
8 qualified; and

9 (3) that the Board and its members are qualified to act.

10 (Source: P.A. 91-590, eff. 1-1-00.)

11 (225 ILCS 84/150)

12 (Section scheduled to be repealed on January 1, 2010)

13 Sec. 150. Temporary suspension of a license. The Secretary
14 ~~Director~~ may temporarily suspend the license of an orthotist,
15 prosthetist, or pedorthist without a hearing simultaneously
16 with the institution of proceedings for a hearing provided for
17 in Section 95 of this Act if the Secretary ~~Director~~ finds that
18 evidence in his or her possession indicates that a licensee's
19 continuation in practice would constitute an imminent danger to
20 the public. If the Secretary ~~Director~~ temporarily suspends a
21 license without a hearing, a hearing by the Board must be held
22 within 30 days after the suspension and completed without
23 appreciable delay.

24 (Source: P.A. 91-590, eff. 1-1-00.)

1 (225 ILCS 84/160)

2 (Section scheduled to be repealed on January 1, 2010)

3 Sec. 160. Certifications of record; costs. The Department
4 shall not be required to certify any record to the court or
5 file any answer in court or otherwise appear in any court in a
6 judicial review proceeding unless there is filed in the court
7 with the complaint a receipt from the Department acknowledging
8 payment of the costs of furnishing and certifying the record,
9 which cost shall be determined by the Department ~~shall be~~
10 ~~computed at the rate of 20 cents per page of the record.~~
11 Failure on the part of a plaintiff to file a receipt in court
12 shall be grounds for dismissal of the action.

13 (Source: P.A. 91-590, eff. 1-1-00.)

14 Section 15. The Perfusionist Practice Act is amended by
15 changing Sections 10, 15, 25, 45, 60, 70, 90, 95, 100, 105,
16 115, 120, 140, 145, 150, 170, 180, 185, 200, 220, and 230 and
17 by adding Sections 75, 93, 135, 142, 155, 212, and 227 as
18 follows:

19 (225 ILCS 125/10)

20 (Section scheduled to be repealed on January 1, 2010)

21 Sec. 10. Definitions. As used in this Act:

22 "Address of Record" means the designated address recorded
23 by the Department in the applicant's or licensee's application
24 file or license file maintained by the Department. It is the

1 duty of the applicant or licensee to inform the Department of
2 any change of address, and such changes must be made either
3 through the Department's website or by directly contacting the
4 Department.

5 "Board" means the Board of Licensing for Perfusionists
6 Perfusion.

7 "Department" means the Department of Financial and
8 Professional Regulation.

9 ~~"Director" means the Director of Professional Regulation.~~

10 "Extracorporeal circulation" means the diversion of a
11 patient's blood through a heart-lung machine or a similar
12 device that assumes the functions of the patient's heart,
13 lungs, kidney, liver, or other organs.

14 "New graduate perfusionist" means a perfusionist
15 practicing within a period of one year since the date of
16 graduation from a Commission on Accreditation of Allied Health
17 Education Programs accredited perfusion education program.

18 "Perfusion" means the functions necessary for the support,
19 treatment, measurement, or supplementation of the
20 cardiovascular systems or other organs, or a combination of
21 those functions, and to ensure the safe management of
22 physiologic functions by monitoring and analyzing the
23 parameters of the systems under an order and under the
24 supervision of a physician licensed to practice medicine in all
25 its branches.

26 "Perfusionist" means a person, qualified by academic and

1 clinical education, to operate the extracorporeal circulation
2 equipment during any medical situation where it is necessary to
3 support or replace a person's cardiopulmonary, circulatory, or
4 respiratory function. A perfusionist is responsible for the
5 selection of appropriate equipment and techniques necessary
6 for support, treatment, measurement, or supplementation of the
7 cardiopulmonary and circulatory system of a patient, including
8 the safe monitoring, analysis, and treatment of physiologic
9 conditions under an order and under the supervision of a
10 physician licensed to practice medicine in all its branches and
11 in coordination with a registered professional nurse.

12 "Perfusion protocols" means perfusion related policies and
13 protocols developed or approved by a licensed health facility
14 or a physician through collaboration with administrators,
15 licensed perfusionists, and other health care professionals.

16 "Physician" or "operating physician" means a person
17 licensed to practice medicine in all of its branches under the
18 Medical Practice Act of 1987.

19 "Secretary" means the Secretary of the Department of
20 Financial and Professional Regulation.

21 (Source: P.A. 91-580, eff. 1-1-00.)

22 (225 ILCS 125/15)

23 (Section scheduled to be repealed on January 1, 2010)

24 Sec. 15. Powers and duties of the Department. Subject to
25 the provisions of this Act, the Department may:

1 (a) Pass upon the qualifications of applicants for
2 licensure by endorsement. ~~The Department shall exercise the~~
3 ~~powers and duties prescribed by the Civil Administrative Code~~
4 ~~of Illinois for the administration of licensing Acts and shall~~
5 ~~exercise any other powers and duties necessary for effectuating~~
6 ~~the purposes of this Act.~~

7 (b) Conduct hearings on proceedings to refuse to issue or
8 renew a license, or to revoke or suspend a license, or to place
9 on probation, reprimand, or take any other disciplinary or
10 non-disciplinary action with regard to a person licensed under
11 this Act. ~~The Department may adopt rules consistent with the~~
12 ~~provisions of this Act for its administration and enforcement~~
13 ~~and may prescribe forms that shall be issued in connection with~~
14 ~~this Act. The rules may include but are not limited to~~
15 ~~standards and criteria for licensure, professional conduct,~~
16 ~~and discipline.~~

17 (c) Formulate rules required for the administration of this
18 Act.

19 (d) Obtain written recommendations from the Board
20 regarding (i) curriculum content, standards of professional
21 conduct, formal disciplinary actions, and the formulation of
22 rules, and (ii) when petitioned by the applicant, opinions
23 regarding the qualifications of applicants for licensing.

24 (e) Maintain rosters of the names and address of all
25 licensees, and all persons whose licenses have been suspended,
26 revoked, or denied renewal for cause or otherwise disciplined

1 within the previous calendar year. These rosters shall be
2 available upon written request and payment of the required fee
3 as established by rule.

4 (Source: P.A. 91-580, eff. 1-1-00.)

5 (225 ILCS 125/25)

6 (Section scheduled to be repealed on January 1, 2010)

7 Sec. 25. Board of Licensing for Perfusionists ~~Perfusion.~~

8 (a) The Secretary ~~Director~~ shall appoint a Board of
9 Licensing for Perfusionists which ~~Perfusion to consist of 5~~
10 ~~persons who shall be appointed by and~~ shall serve in an
11 advisory capacity to the Secretary ~~Director~~. The Board shall be
12 comprised of 5 persons appointed by the Secretary, who shall
13 give due consideration to recommendations by members of the
14 profession of perfusion and perfusion organizations within the
15 State.

16 (b) Two members must hold an active license to engage in
17 the practice of perfusion in this State, one member must be a
18 physician licensed under the Medical Practice Act of 1987 who
19 is board certified in and actively engaged in the practice of
20 cardiothoracic surgery, one member must be a licensed
21 registered professional nurse certified by the Association of
22 Operating Room Nurses, and one member must be a member of the
23 public who is not licensed under this Act or a similar Act of
24 another jurisdiction and who has no connection with the
25 profession. ~~The initial appointees who would otherwise be~~

1 ~~required to be licensed perfusionists shall instead be~~
2 ~~individuals who have been practicing perfusion for at least 5~~
3 ~~years and who are eligible under this Act for licensure as~~
4 ~~perfusionists.~~

5 (c) Members shall serve 4-year terms and until their
6 successors are appointed and qualified, except that, of the
7 initial appointments, 2 members shall be appointed to serve for
8 2 years, 2 members shall be appointed to serve for 3 years, and
9 1 member shall be appointed to serve for 4 years, and until
10 their successors are appointed and qualified. No member shall
11 be reappointed to the Board for a term that would cause his or
12 her continuous service on the Board to be longer than 8
13 consecutive years.

14 (d) Appointments to fill vacancies shall be made in the
15 same manner as original appointments for the unexpired portion
16 of the vacated term. ~~Initial terms shall begin upon the~~
17 ~~effective date of this Act.~~

18 (e) The Board shall annually elect a chairperson and a
19 vice-chairperson who shall preside in the absence of the
20 chairperson.

21 (f) Insofar as possible, the licensed professionals
22 appointed to serve on the Board shall be generally
23 representative of the occupational and geographical
24 distribution of licensed professionals within ~~The membership~~
25 ~~of the Board should reasonably reflect representation from the~~
26 ~~various geographic areas in this State.~~

1 (g) The Secretary ~~Director~~ may remove or suspend ~~terminate~~
2 ~~the appointment of~~ any member for cause at any time before the
3 expiration of his or her term. The Secretary shall be the sole
4 arbiter of cause.

5 (h) The Secretary ~~Director~~ may give due consideration to
6 all recommendations of the Board.

7 (i) Three ~~A majority of the~~ Board members ~~currently~~
8 ~~appointed~~ shall constitute a quorum. A quorum is required for
9 all Board decisions. A vacancy in the membership of the Board
10 ~~shall not impair the right of a quorum to exercise the rights~~
11 ~~and perform all the duties of the Board.~~

12 (j) Except for willful or wanton misconduct, members
13 ~~Members~~ of the Board shall be immune from liability ~~have no~~
14 ~~liability~~ in any action based upon any disciplinary proceeding
15 or other activity performed in good faith as a member of the
16 Board.

17 (Source: P.A. 91-580, eff. 1-1-00.)

18 (225 ILCS 125/45)

19 (Section scheduled to be repealed on January 1, 2010)

20 Sec. 45. Application of Act. This Act shall not be
21 construed to prohibit the following:

22 (1) a person licensed in this State under any other Act
23 from engaging in the practice for which he or she is licensed;

24 (2) a student enrolled in an accredited perfusion education
25 program from performing perfusion services if perfusion

1 services performed by the student:

2 (A) are an integral part of the student's course of
3 study; and

4 (B) are performed under the direct supervision of a
5 licensed perfusionist who is assigned to supervise the
6 student and who is on duty and immediately available in the
7 assigned patient care area;

8 (3) a new graduate from performing perfusion services for a
9 period of 14 months after the date of his or her graduation
10 from a perfusion education program that is accredited by the
11 Commission on Accreditation of Allied Health Education
12 Programs, if perfusion services performed by the new graduate
13 perfusionist: ~~(A) are necessary to fulfill the eligibility~~
14 ~~requirements for the ABCP certification examination required~~
15 ~~under subsection (3) of Section 30; and (B) are performed under~~
16 the direct supervision and responsibility of a licensed
17 perfusionist or a physician licensed to practice medicine in
18 all its branches who is assigned to supervise the graduate
19 perfusionist and who is ~~on duty and~~ immediately available in
20 the assigned patient care area;

21 (4) any legally qualified perfusionist employed by the
22 United States government from engaging in the practice of
23 perfusion while in the discharge of his or her official duties;
24 or

25 (5) one or more licensed perfusionists from forming a
26 professional service corporation in accordance with the

1 Professional Service Corporation Act.

2 (Source: P.A. 91-580, eff. 1-1-00.)

3 (225 ILCS 125/60)

4 (Section scheduled to be repealed on January 1, 2010)

5 Sec. 60. Display of license; change of address. ~~(a) The~~
6 ~~Department shall issue a perfusionist license to a person~~
7 ~~meeting the application and qualification requirements of~~
8 ~~Section 30 of this Act. However, a person is eligible for one~~
9 ~~year from the effective date of this Act to make application to~~
10 ~~the Board and receives a license notwithstanding the~~
11 ~~requirements of Section 30 of this Act if the person is~~
12 ~~actively engaged in the practice of perfusion consistent with~~
13 ~~applicable law and if the person has at least 5 years~~
14 ~~experience operating cardiopulmonary bypass systems during~~
15 ~~cardiac surgical cases in a licensed health care facility as~~
16 ~~the person's primary function between January 1, 1991 and the~~
17 ~~effective date of this Act.~~

18 ~~(b)~~ A licensee shall maintain on file at all times during which
19 the licensee provides services in a health care facility a true
20 and correct copy of the license certificate in the appropriate
21 records of the facility.

22 (Source: P.A. 91-580, eff. 1-1-00.)

23 (225 ILCS 125/70)

24 (Section scheduled to be repealed on January 1, 2010)

1 Sec. 70. Renewal, reinstatement or restoration of license;
2 ~~continuing education;~~ military service. The expiration date
3 and renewal period for each license issued under this Act shall
4 be set by the Department by rule. A licensee may renew his or
5 her license during the month preceding the expiration date of
6 the license by paying the required fee. It is the
7 responsibility of the licensee to notify the Department in
8 writing of a change of address. Renewal shall be conditioned on
9 ~~paying the required fee and meeting other requirements as may~~
10 ~~be established by rule.~~

11 A licensee who has permitted his or her license to expire
12 or who has had his or her license on inactive status may have
13 the license restored by making application to the Department,
14 by filing proof acceptable to the Department of his or her
15 fitness to have the license restored, and by paying the
16 required fees. Proof of fitness may include sworn evidence
17 certifying to active lawful practice in another jurisdiction.

18 If the licensee has not maintained an active practice in
19 another jurisdiction satisfactory to the Department, the
20 Department shall determine, by an evaluation program
21 established by rule, his or her fitness for restoration of the
22 license and shall establish procedures and requirements for
23 restoration. However, a licensee whose license expired while he
24 or she was (1) in federal service on active duty with the Armed
25 Forces of the United States or the State Militia called into
26 service or training or (2) in training or education under the

1 supervision of the United States before induction into the
2 military service, may have the license restored without paying
3 any lapsed renewal fees if within 2 years after honorable
4 termination of the service, training, or education he or she
5 furnishes the Department with satisfactory evidence to the
6 effect that he or she has been so engaged and that his or her
7 service, training, or education has been so terminated.

8 (Source: P.A. 91-580, eff. 1-1-00.)

9 (225 ILCS 125/75 new)

10 Sec. 75. Continuing education. The Department may adopt
11 rules of continuing education for licensees that require 30
12 hours of continuing education per 2 year license renewal cycle.
13 The rules shall address variances in part or in whole for good
14 cause, including without limitation temporary illness or
15 hardship. The Department may approve continuing education
16 programs offered, provided, and approved by the American Board
17 of Cardiovascular Perfusion, or its successor agency. The
18 Department may approve additional continuing education
19 sponsors. Each licensee is responsible for maintaining records
20 of his or her completion of the continuing education and shall
21 be prepared to produce the records when requested by the
22 Department.

23 (225 ILCS 125/90)

24 (Section scheduled to be repealed on January 1, 2010)

1 Sec. 90. Fees; deposit of fees and fines. ~~returned checks.~~

2 (a) The Department shall set by rule fees for the
3 administration of this Act, including, but not limited to, fees
4 for initial and renewal licensure and restoration of a license.
5 The fees shall be nonrefundable.

6 (b) All of the fees and fines collected under this Act
7 shall be deposited into the General Professions Dedicated Fund.
8 The monies deposited into the Fund shall be appropriated to the
9 Department for expenses of the Department in the administration
10 of this Act.

11 ~~(c) A person who delivers a check or other payment to the
12 Department that is returned to the Department unpaid by the
13 financial institution upon which it is drawn shall pay to the
14 Department, in addition to the amount already owed to the
15 Department, a fine of \$50. The fines imposed by this Section
16 are in addition to any other discipline provided under this Act
17 for unlicensed practice or practice on a nonrenewed license.
18 The Department shall notify the person that fees and fines
19 shall be paid to the Department by certified check or money
20 order within 30 calendar days of the notification. If, after
21 the expiration of 30 days from the date of the notification,
22 the person has failed to submit the necessary remittance, the
23 Department shall automatically terminate the license or deny
24 the application without a hearing. If the person seeks a
25 license after termination or denial, he or she shall apply to
26 the Department for restoration or issuance of the license and~~

1 ~~pay all fees and fines due to the Department. The Department~~
2 ~~may establish a fee for the processing of an application for~~
3 ~~restoration of a license to defray the expenses of processing~~
4 ~~the application. The Director may waive the fines due under~~
5 ~~this Section in individual cases if the Director finds that the~~
6 ~~fines would be unreasonable or unnecessarily burdensome.~~

7 (Source: P.A. 91-580, eff. 1-1-00; 92-146, eff. 1-1-02.)

8 (225 ILCS 125/93 new)

9 Sec. 93. Returned checks; penalty for insufficient funds.
10 Any person who delivers a check or other payment to the
11 Department that is returned to the Department unpaid by the
12 financial institution upon which it is drawn shall pay to the
13 Department, in addition to the amount already owed to the
14 Department, a fine of \$50. The fines imposed by this Section
15 are in addition to any other discipline provided under this Act
16 prohibiting unlicensed practice or practice on a nonrenewed
17 license. The Department shall notify the person that payment of
18 the fees and fines shall be paid to the Department by certified
19 check or money order within 30 calendar days after
20 notification. If, after the expiration of 30 days from the date
21 of the notification, the person has failed to submit the
22 necessary remittance, the Department shall automatically
23 terminate the license or deny the application, without hearing.
24 After such termination of a license or denial of an
25 application, the same individual may only apply to the

1 Department for restoration or issuance of a license after he or
2 she has paid all fees and fines owed to the Department. The
3 Department may establish a fee for the processing of an
4 application for restoration of a license to pay all expenses of
5 processing this application. The Secretary may waive the fines
6 due under this Section in individual cases where the Secretary
7 finds that the fines would be unreasonable or unnecessarily
8 burdensome.

9 (225 ILCS 125/95)

10 (Section scheduled to be repealed on January 1, 2010)

11 Sec. 95. Roster. The Department shall maintain a roster of
12 the names and addresses of all licensees and of all persons
13 that ~~whose licenses~~ have been disciplined under this Act. This
14 roster shall be available upon ~~written~~ request and payment of
15 the required fee.

16 (Source: P.A. 91-580, eff. 1-1-00.)

17 (225 ILCS 125/100)

18 (Section scheduled to be repealed on January 1, 2010)

19 Sec. 100. Unlicensed practice; civil penalty. A person who
20 practices, offers to practice, attempts to practice, or holds
21 himself or herself out to practice as a licensed perfusionist
22 without being licensed under this Act shall, in addition to any
23 other penalty provided by law, pay a civil penalty to the
24 Department in an amount not to exceed \$10,000 ~~\$5,000~~ for each

1 offense as determined by the Department. The civil penalty
2 shall be assessed by the Department after a hearing is held in
3 accordance with the provisions set forth in this Act regarding
4 the provision of a hearing for the discipline of a licensee.

5 (Source: P.A. 91-580, eff. 1-1-00.)

6 (225 ILCS 125/105)

7 (Section scheduled to be repealed on January 1, 2010)

8 Sec. 105. Disciplinary actions. ~~Grounds for disciplinary~~
9 ~~action.~~

10 (a) The Department may refuse to issue, renew, or restore a
11 license, or may revoke or suspend a license, or may place on
12 probation, ~~censure,~~ reprimand, or take other disciplinary or
13 non-disciplinary action with regard to a person licensed under
14 this Act, including but not limited to the imposition of fines
15 not to exceed \$10,000 ~~\$5,000~~ for each violation, for ~~any~~ one or
16 any combination of the following causes:

17 (1) Making a material misstatement in furnishing
18 information to the Department.

19 (2) Violation ~~Violating a provision~~ of this Act or any
20 rule ~~its rules~~ promulgated under this Act.

21 (3) Conviction of, or entry of a plea of guilty or nolo
22 contendere to, any crime that is a felony under the laws of
23 the ~~a~~ United States or any state or territory thereof, or
24 any crime ~~jurisdiction of a crime~~ that is ~~a felony~~ or a
25 misdemeanor of which, an essential element ~~of which~~ is

1 dishonesty, or any ~~of a~~ crime that is directly related to
2 the practice as a perfusionist.

3 (4) Making a misrepresentation for the purpose of
4 obtaining, renewing, or restoring a license.

5 (5) Aiding ~~Wilfully aiding~~ or assisting another person
6 in violating a provision of this Act or its rules.

7 (6) Failing to provide information within 60 days in
8 response to a written request made by the Department.

9 (7) Engaging in dishonorable, unethical, or
10 unprofessional conduct of a character likely to deceive,
11 defraud, or harm the public, as defined by rule of the
12 Department.

13 (8) Discipline by another state, the District of
14 Columbia, or territory, United States jurisdiction or a
15 foreign nation, if at least one of the grounds for
16 discipline is the same or substantially equivalent to those
17 set forth in this Section.

18 (9) Directly or indirectly giving to or receiving from
19 a person, firm, corporation, partnership, or association a
20 fee, commission, rebate, or other form of compensation for
21 professional services not actually or personally rendered.

22 (10) A finding by the Board that the licensee, after
23 having his or her license placed on probationary status,
24 has violated the terms of probation.

25 (11) Wilfully making or filing false records or reports
26 in his or her practice, including but not limited to false

1 records or reports filed with State agencies or
2 departments.

3 (12) Wilfully making or signing a false statement,
4 certificate, or affidavit to induce payment.

5 (13) Wilfully failing to report an instance of
6 suspected child abuse or neglect as required under the
7 Abused and Neglected Child Reporting Act.

8 (14) Being named as a perpetrator in an indicated
9 report by the Department of Children and Family Services
10 under the Abused and Neglected Child Reporting Act and upon
11 proof by clear and convincing evidence that the licensee
12 has caused a child to be an abused child or neglected child
13 as defined in the Abused and Neglected Child Reporting Act.

14 (15) Employment of fraud, deception, or any unlawful
15 means in applying for or securing a license as a
16 perfusionist.

17 (16) Allowing another person to use his or her license
18 to practice.

19 (17) Failure to report to the Department (A) any
20 adverse final action taken against the licensee by another
21 licensing jurisdiction, government agency, law enforcement
22 agency, or any court or (B) liability for conduct that
23 would constitute grounds for action as set forth in this
24 Section.

25 (18) Inability to practice the profession with
26 reasonable judgment, skill or safety as a result of a

1 physical illness, including but not limited to
2 deterioration through the aging process or loss of motor
3 skill, or a mental illness or disability. ~~Habitual~~
4 ~~intoxication or addiction to the use of drugs.~~

5 (19) Inability ~~Physical illness, including but not~~
6 ~~limited to deterioration through the aging process or loss~~
7 ~~of motor skills, which results in the inability~~ to practice
8 the profession for which he or she is licensed with
9 reasonable judgment, skill, or safety as a result of
10 habitual or excessive use or addiction to alcohol,
11 narcotics, stimulants, or any other chemical agent or drug.

12 (20) Gross malpractice ~~resulting in permanent injury~~
13 ~~or death of a patient.~~

14 (21) Immoral conduct in the commission of an act
15 related to the licensee's practice, including but not
16 limited to sexual abuse, sexual misconduct, or sexual
17 exploitation.

18 (22) Violation of the Health Care Worker Self-Referral
19 Act.

20 (23) Solicitation of business or professional
21 services, other than permitted advertising.

22 (24) Conviction of or cash compromise of a charge or
23 violation of the Illinois Controlled Substances Act.

24 (25) Gross, willful, or continued overcharging for
25 professional services, including filing false statements
26 for collection of fees for which services are not rendered.

1 (26) Practicing under a false name or, except as
2 allowed by law, an assumed name.

3 (27) Violating any provision of this Act or the rules
4 promulgated under this Act, including, but not limited to,
5 advertising.

6 (b) A licensee or applicant who, because of a physical or
7 mental illness or disability, including, but not limited to,
8 deterioration through the aging process or loss of motor skill,
9 is unable to practice the profession with reasonable judgment,
10 skill, or safety, may be required by the Department to submit
11 to care, counseling or treatment by physicians approved or
12 designated by the Department, as a condition, term, or
13 restriction for continued, reinstated, or renewed licensure to
14 practice. Submission to care, counseling or treatment as
15 required by the Department shall not be considered discipline
16 of the licensee. If the licensee refuses to enter into a care,
17 counseling or treatment agreement or fails to abide by the
18 terms of the agreement the Department may file a complaint to
19 suspend or revoke the license or otherwise discipline the
20 licensee. The Secretary may order the license suspended
21 immediately, pending a hearing by the Department. Fines shall
22 not be assessed in the disciplinary actions involving physical
23 or mental illness or impairment. The Department may refuse to
24 ~~issue or may suspend the license of a person who fails to file~~
25 ~~a return, to pay the tax, penalty, or interest shown in a filed~~
26 ~~return, or to pay a final assessment of the tax, penalty, or~~

1 ~~interest as required by a tax Act administered by the~~
2 ~~Department of Revenue, until the requirements of the tax Act~~
3 ~~are satisfied.~~

4 (b-5) The Department may refuse to issue or may suspend,
5 without a hearing as provided for in the Civil Administrative
6 Code of Illinois, the license of a person who fails to file a
7 return, to pay the tax, penalty, or interest shown in a filed
8 return, or to pay any final assessment of tax, penalty, or
9 interest as required by any tax Act administered by the
10 Department of Revenue, until such time as the requirements of
11 the tax Act are satisfied in accordance with subsection (g) of
12 Section 15 of the Department of Professional Regulation Law of
13 the Civil Administrative Code of Illinois (20 ILCS
14 2105/2105-15).

15 (c) The determination by a circuit court that a licensee is
16 subject to involuntary admission or judicial admission as
17 provided in the Mental Health and Developmental Disabilities
18 Code, as amended, operates as an automatic suspension. The
19 suspension will end only upon a finding by a court that the
20 licensee is no longer subject to the involuntary admission or
21 judicial admission and issues an order so finding and
22 discharging the licensee; and upon the recommendation of the
23 Board to the Secretary that the licensee be allowed to resume
24 his or her practice. ~~The determination by a circuit court that~~
25 ~~a licensee is subject to involuntary admission or judicial~~
26 ~~admission as provided in the Mental Health and Developmental~~

1 ~~Disabilities Code operates as an automatic suspension. The~~
2 ~~suspension will end only upon (1) a finding by a court that the~~
3 ~~patient is no longer subject to involuntary admission or~~
4 ~~judicial admission, (2) issuance of an order so finding and~~
5 ~~discharging the patient, and (3) the recommendation of the~~
6 ~~Disciplinary Board to the Director that the licensee be allowed~~
7 ~~to resume his or her practice.~~

8 (d) In enforcing this Section, the Department or Board,
9 upon a showing of a possible violation, may order a licensee or
10 applicant to submit to a mental or physical examination, or
11 both, at the expense of the Department. The Department or Board
12 may order the examining physician to present testimony
13 concerning his or her examination of the licensee or applicant.
14 No information shall be excluded by reason of any common law or
15 statutory privilege relating to communications between the
16 licensee or applicant and the examining physician. The
17 examining physicians shall be specifically designated by the
18 Board or Department. The licensee or applicant may have, at his
19 or her own expense, another physician of his or her choice
20 present during all aspects of the examination. Failure of a
21 licensee or applicant to submit to any such examination when
22 directed, without reasonable cause as defined by rule, shall be
23 grounds for either the immediate suspension of his or her
24 license or immediate denial of his or her application.

25 If the Secretary immediately suspends the license of a
26 licensee for his or her failure to submit to a mental or

1 physical examination when directed, a hearing must be convened
2 by the Department within 15 days after the suspension and
3 completed without appreciable delay.

4 If the Secretary otherwise suspends a license pursuant to
5 the results of the licensee's mental or physical examination, a
6 hearing must be convened by the Department within 15 days after
7 the suspension and completed without appreciable delay. The
8 Department and Board shall have the authority to review the
9 licensee's record of treatment and counseling regarding the
10 relevant impairment or impairments to the extent permitted by
11 applicable federal statutes and regulations safeguarding the
12 confidentiality of medical records.

13 Any licensee suspended or otherwise affected under this
14 subsection (d) shall be afforded an opportunity to demonstrate
15 to the Department or Board that he or she can resume practice
16 in compliance with the acceptable and prevailing standards
17 under the provisions of his or her license.

18 (Source: P.A. 91-580, eff. 1-1-00.)

19 (225 ILCS 125/115)

20 (Section scheduled to be repealed on January 1, 2010)

21 Sec. 115. Injunctive action; cease ~~Cease~~ and desist order.

22 (a) If any person violates the provisions of this Act, the
23 Secretary, in the name of the People of the State of Illinois,
24 through the Attorney General or the State's Attorney of the
25 county in which the violation is alleged to have occurred, may

1 petition for an order enjoining the violation or for an order
2 enforcing compliance with this Act. Upon the filing of a
3 verified petition, the court with appropriate jurisdiction may
4 issue a temporary restraining order, without notice or bond,
5 and may preliminarily and permanently enjoin the violation. If
6 it is established that the person has violated or is violating
7 the injunction, the court may punish the offender for contempt
8 of court. Proceedings under this Section are in addition to,
9 and not in lieu of, all other remedies and penalties provided
10 by this Act.

11 (b) Whenever, in the opinion of the Department, a person
12 violates any provision of this Act, the Department may issue a
13 rule to show cause why an order to cease and desist should not
14 be entered against that person. The rule shall clearly set
15 forth the grounds relied upon the Department and shall allow at
16 least 7 days from the date of the rule to file an answer
17 satisfactory to the Department. Failure to answer to the
18 satisfaction of the Department shall cause an order to cease
19 and desist to be issued.

20 (c) If a person practices as a perfusionist or holds
21 himself or herself out as a perfusionist without being licensed
22 under this Act, then any licensee under this Act, interested
23 party, or person injured thereby, in addition to the Secretary
24 or State's Attorney, may petition for relief as provided in
25 subsection (a) of this Section.

26 ~~(a) If a person violates a provision of this Act, the~~

1 ~~Director, in the name of the People of the State of Illinois~~
2 ~~through the Attorney General of the State of Illinois, or the~~
3 ~~State's Attorney of a county in which the violation occurs, may~~
4 ~~petition for an order enjoining the violation or for an order~~
5 ~~enforcing compliance with this Act. Upon the filing of a~~
6 ~~verified petition in court, the court may issue a temporary~~
7 ~~restraining order without notice or bond and may preliminarily~~
8 ~~and permanently enjoin the violation. If it is established that~~
9 ~~the licensee has violated or is violating the injunction, the~~
10 ~~court may punish the offender for contempt of court.~~
11 ~~Proceedings under this Section shall be in addition to, and not~~
12 ~~in lieu of, all other remedies and penalties provided by this~~
13 ~~Act.~~

14 ~~(b) If a person practices as a perfusionist or holds~~
15 ~~himself or herself out as a perfusionist without being licensed~~
16 ~~under this Act, then any licensee under this Act, interested~~
17 ~~party, or person injured thereby, in addition to the Director~~
18 ~~or State's Attorney, may petition for relief as provided in~~
19 ~~subsection (a) of this Section.~~

20 ~~(c) If the Department determines that a person violated a~~
21 ~~provision of this Act, the Department may issue a rule to show~~
22 ~~cause why an order to cease and desist should not be entered~~
23 ~~against him or her. The rule shall clearly set forth the~~
24 ~~grounds relied upon by the Department and shall provide a~~
25 ~~period of 7 days from the date of the rule to file an answer to~~
26 ~~the satisfaction of the Department. Failure to answer to the~~

1 ~~satisfaction of the Department shall cause an order to cease~~
2 ~~and desist to be issued immediately.~~

3 (Source: P.A. 91-580, eff. 1-1-00.)

4 (225 ILCS 125/120)

5 (Section scheduled to be repealed on January 1, 2010)

6 Sec. 120. Investigation; notice; hearing. The Department
7 may ~~Licenses may be refused, revoked, suspended, or otherwise~~
8 ~~disciplined in the manner provided by this Act and not~~
9 ~~otherwise. The Department may upon its own motion and shall~~
10 ~~upon the verified complaint in writing of any person setting~~
11 ~~forth facts that if proven would constitute grounds for refusal~~
12 ~~to issue or for suspension or revocation under this Act,~~
13 investigate the actions of any applicant or any ~~a~~ person
14 ~~applying for,~~ holding, or claiming to hold a perfusionist
15 license. The Department shall, before refusing to issue or
16 renew, suspending, or revoking a license or taking other
17 discipline pursuant to Section 105 of this Act, and at least 30
18 days prior to the date set for the hearing, (i) notify in
19 writing the applicant or licensee of any charges made and the
20 time and the place for the hearing on the charges, (ii) direct
21 him or her to file a written answer to the charges with the
22 Board under oath within 20 days after the service on him or her
23 of the notice, and, shall direct ~~afford~~ the applicant or
24 licensee ~~an opportunity to be heard in person or by counsel in~~
25 ~~reference to the charges, and direct the applicant or licensee~~

1 to file a written answer to the Department under oath within 20
2 days after the service on him or her of the notice and (iii)
3 inform the accused applicant or licensee that, if he or she
4 fails to failure to file an answer, will result in default will
5 be being taken against him or her or the applicant or licensee
6 and that his or her the license may be suspended, revoked, or
7 placed on probationary status, or other disciplinary action may
8 be taken with regard to the licensee, including limiting the
9 scope, nature, or extent of practice, as the Department
10 Director may consider deem proper. At the time and place fixed
11 in the notice, the Board shall proceed to hear the charges, and
12 the parties or their counsel shall be accorded ample
13 opportunity to present any pertinent statements, testimony,
14 evidence, and arguments. The Board may continue the hearing
15 from time to time. In case Written notice may be served by
16 personal delivery to the applicant or licensee or by mailing
17 the notice by certified mail to his or her last known place of
18 residence or to the place of business last specified by the
19 applicant or licensee in his or her last notification to the
20 Department. If the person, after receiving the notice, fails to
21 file an answer after receiving notice, his or her license may,
22 in the discretion of the Department, be suspended, revoked, or
23 placed on probationary status or the Department may take
24 whatever disciplinary action it considers deemed proper,
25 including limiting the scope, nature, or extent of the person's
26 practice or the imposition of a fine, without a hearing, if the

1 act or acts charged constitute sufficient grounds for such
2 action under this Act. The written notice may be served by
3 personal delivery or by certified mail to the address of record
4 or the address specified by the accused in his or her last
5 communication with the Department. ~~At the time and place fixed~~
6 ~~in the notice, the Department shall proceed to a hearing of the~~
7 ~~charges and both the applicant or licensee and the complainant~~
8 ~~shall be afforded ample opportunity to present, in person or by~~
9 ~~counsel, any statements, testimony, evidence, and arguments~~
10 ~~that may be pertinent to the charges or to their defense. The~~
11 ~~Department may continue a hearing from time to time. If the~~
12 ~~Board is not sitting at the time and place fixed in the notice~~
13 ~~or at the time and place to which the hearing shall have been~~
14 ~~continued, the Department may continue the hearing for a period~~
15 ~~not to exceed 30 days.~~

16 (Source: P.A. 91-580, eff. 1-1-00.)

17 (225 ILCS 125/135 new)

18 Sec. 135. Certification of record; costs. The Department
19 shall not be required to certify any record to the court, to
20 file an answer in court, or to otherwise appear in any court in
21 a judicial review proceeding unless there is filed in the
22 court, with the complaint, a receipt from the Department
23 acknowledging payment of the costs of furnishing and certifying
24 the record, which costs shall be determined by the Department.
25 The court may dismiss the action if the plaintiff fails to file

1 such receipt.

2 (225 ILCS 125/140)

3 (Section scheduled to be repealed on January 1, 2010)

4 Sec. 140. Subpoena; oaths. The Department has the power to
5 subpoena documents, books, records or other materials and to
6 bring before it any person ~~in this State~~ and to take testimony
7 either orally or by deposition, with the same fees and mileage
8 and in the same manner as is prescribed ~~by law in judicial~~
9 ~~proceedings~~ in civil cases in circuit courts of this State. The
10 Secretary, the designated hearing officer, and any Board member
11 has the power to administer oaths to witnesses at any hearing
12 that the Department is authorized to conduct, and any other
13 oaths authorized in any Act administered by the Department. ~~The~~
14 ~~Director and any Disciplinary Board member designated by the~~
15 ~~Director shall each have the authority to administer, at any~~
16 ~~hearing that the Department is authorized to conduct under this~~
17 ~~Act, oaths to witnesses and any other oaths authorized to be~~
18 ~~administered by the Department under this Act.~~

19 (Source: P.A. 91-580, eff. 1-1-00.)

20 (225 ILCS 125/142 new)

21 Sec. 142. Compelling testimony. Any circuit court, upon
22 application of the Department or designated hearing officer may
23 enter an order requiring the attendance of witnesses and their
24 testimony, and the production of documents, papers, files,

1 books, and records in connection with any hearing or
2 investigation. The court may compel obedience to its order by
3 proceedings for contempt.

4 (225 ILCS 125/145)

5 (Section scheduled to be repealed on January 1, 2010)

6 Sec. 145. Findings of fact and recommendations. At the
7 conclusion of the hearing, the Board shall present to the
8 Secretary ~~Director~~ a written report of its findings of fact,
9 conclusions of law, and recommendations. The ~~In the~~ report, ~~the~~
10 ~~Board~~ shall contain ~~make~~ a finding of whether or not the
11 accused person ~~charged licensee or applicant~~ violated ~~a~~
12 ~~provision of~~ this Act or its rules. The Board ~~and~~ shall specify
13 the ~~the~~ nature of any violations ~~the violation~~ or failure to
14 comply and shall make its recommendations to the Secretary. In
15 making its recommendations for disciplinary action ~~discipline~~,
16 the Board may take into consideration all facts and
17 circumstances bearing upon the reasonableness of the conduct of
18 the accused ~~respondent~~ and the potential for future harm to the
19 public, including but not limited to previous discipline of
20 that respondent by the Department, intent, degree of harm to
21 the public and likelihood of harm in the future, any
22 restitution made, and whether the incident or incidents
23 complained of appear to be isolated or a pattern of conduct. In
24 making its recommendations for discipline, the Board shall seek
25 to ensure that the severity of the discipline recommended bears

1 some reasonable relationship to the severity of the violation.

2 The report of findings of fact, conclusions of law, and
3 recommendation of the Board shall be the basis for the
4 Department's order refusing to issue, restore, or renew a
5 license, or otherwise disciplining a licensee. If the Secretary
6 disagrees with the recommendations of the Board, the Secretary
7 may issue an order in contravention of the Board
8 recommendations. The finding is not admissible in evidence
9 against the person in a criminal prosecution brought for a
10 violation of this Act, but the hearing and finding are not a
11 bar to a criminal prosecution brought for a violation of this
12 Act.

13 (Source: P.A. 91-580, eff. 1-1-00.)

14 (225 ILCS 125/150)

15 (Section scheduled to be repealed on January 1, 2010)

16 Sec. 150. ~~Board Service of report; rehearing. At the~~
17 conclusion of the hearing, a copy of the Board's report shall
18 be served upon the applicant or licensee by the Department,
19 either personally or as provided in this act for the service of
20 a notice of hearing. In a case involving the refusal to issue
21 or renew a license or the discipline of a licensee, a copy of
22 the Board's report shall be served upon the respondent by the
23 Department, either personally or as provided under Section 120
24 of this Act for the service of the notice of hearing. Within 20
25 days after the service, the applicant or licensee ~~respondent~~

1 may present to the Department a motion in writing for a
2 rehearing, which shall specify the particular grounds for a
3 rehearing. The Department may respond to the motion for
4 rehearing within 20 days after its service on the Department.

5 If no motion for rehearing is filed, then upon the expiration
6 of the specified time ~~time specified~~ for filing such a the
7 motion, or if a motion for rehearing is denied, then upon the
8 denial the Secretary ~~Director~~ may enter an order in accordance
9 with recommendations of the Board, except as provided in
10 Section 160 ~~or 165~~ of this Act. If the applicant or licensee
11 ~~respondent~~ orders a transcript of the record from the reporting
12 service and pays for the transcript of the record within the
13 time for filing a motion for rehearing, the 20-day period
14 within which such a motion may be filed shall commence upon the
15 delivery of the transcript to the applicant or licensee
16 ~~respondent~~.

17 (Source: P.A. 91-580, eff. 1-1-00.)

18 (225 ILCS 125/155 new)

19 Sec. 155. Secretary; rehearing. Whenever the Secretary
20 believes that substantial justice has not been done in the
21 revocation or suspension of a license, or refusal to issue,
22 restore, or renew a license, or other discipline of an
23 applicant or licensee, the Secretary may order a rehearing by
24 the same or another examiner.

1 (225 ILCS 125/170)

2 (Section scheduled to be repealed on January 1, 2010)

3 Sec. 170. Hearing officer. The Secretary ~~Notwithstanding~~
4 ~~the provisions of Section 120 of this Act, the Director~~ shall
5 have the authority to appoint an attorney licensed to practice
6 law in this State to serve as the hearing officer in any action
7 for refusal to issue, restore, or renew a license or to
8 discipline a licensee a hearing authorized under Section 120 of
9 ~~this Act. The Director shall notify the Board of an~~
10 ~~appointment.~~ The hearing officer shall have full authority to
11 conduct the hearing. A Board member or members may attend the
12 hearing ~~The Board has the right to have at least one member~~
13 ~~present at a hearing conducted by a hearing officer appointed~~
14 ~~under this Section.~~ The hearing officer shall report his or her
15 findings of fact, conclusions of law, and recommendations to
16 the Board ~~and the Director~~. The Board shall have 60 days from
17 receipt of the report to review the report of the hearing
18 officer and to present its findings of fact, conclusions of
19 law, and recommendations to the Secretary and to all parties to
20 the proceeding ~~Director~~. If the Board fails to present its
21 report within the 60-day period, the respondent may request in
22 writing a direct appeal to the Secretary, in which case the
23 Secretary shall, within 7 calendar days after such request,
24 issue an order directing the Board to issue its findings of
25 fact, conclusions of law, and recommendations to the Secretary
26 within 30 calendar days of such order. If the Board fails to

1 issue its findings of fact, conclusions of law, and
2 recommendations within that time frame to the Secretary after
3 the entry of such order, the Secretary shall, within 30
4 calendar days thereafter, issue an order based upon the report
5 of the hearing officer and the record of the proceedings in
6 accordance with such order. If (i) a direct appeal is
7 requested, (ii) the Board fails to issue its findings of fact,
8 conclusions of law, and recommendations within its 30-day
9 mandate from the Secretary or the Secretary fails to order the
10 Board to do so, and (iii) the Secretary fails to issue an order
11 within 30 calendar days thereafter, then the hearing officer's
12 report is deemed accepted and a final decision of the
13 Secretary. Notwithstanding the foregoing, should the
14 Secretary, upon review, determine that substantial justice has
15 not been done in the revocation, suspension, or refusal to
16 issue or renew a license, or other disciplinary action taken
17 per the result of the entry of such hearing officer's report,
18 the Secretary may order a rehearing by the same or another
19 examiner. ~~the Director shall issue an order based on the report~~
20 ~~of the hearing officer. If the Secretary Director disagrees in~~
21 ~~any regard with the recommendation ~~report~~ of the Board or~~
22 ~~hearing officer, he or she may issue an order in contravention~~
23 ~~of the recommendation ~~report~~. The Director shall provide a~~
24 ~~written explanation to the Board on a deviation from the~~
25 ~~Board's report and shall specify with particularity the reasons~~
26 ~~for his or her deviation in the final order.~~

1 (Source: P.A. 91-580, eff. 1-1-00.)

2 (225 ILCS 125/180)

3 (Section scheduled to be repealed on January 1, 2010)

4 Sec. 180. Order or certified copy; prima facie proof. An
5 order or a certified copy of an order, over the seal of the
6 Department and purporting to be signed by the Secretary
7 ~~Director~~, shall be prima facie proof that:

8 (1) the signature is the genuine signature of the
9 Secretary ~~Director~~;

10 (2) the Secretary ~~Director~~ is duly appointed and
11 qualified; and

12 (3) the Board and its members are qualified to act.

13 (Source: P.A. 91-580, eff. 1-1-00.)

14 (225 ILCS 125/185)

15 (Section scheduled to be repealed on January 1, 2010)

16 Sec. 185. Restoration of a suspended or revoked license. At
17 any time after the successful completion of a term of
18 suspension or revocation of a license, the Department may
19 restore it to the licensee upon written recommendation of the
20 Board unless, after an investigation and a hearing, the Board
21 ~~Department~~ determines that restoration is not in the public
22 interest. Where circumstances of suspension or revocation so
23 indicate, or on the recommendation of the Board, the Department
24 may require an examination of the licensee before restoring his

1 or her license.

2 (Source: P.A. 91-580, eff. 1-1-00.)

3 (225 ILCS 125/200)

4 (Section scheduled to be repealed on January 1, 2010)

5 Sec. 200. Summary Temporary suspension of a license. The
6 Secretary Director may summarily temporarily suspend the
7 license of a perfusionist without a hearing, simultaneously
8 with the institution of proceedings for a hearing provided for
9 in Section 120 of this Act, if the Secretary Director finds
10 that evidence in the Secretary's his or her possession
11 indicates that continuation in practice would constitute an
12 imminent danger to the public. In the event If the Secretary
13 Director temporarily suspends a license of a licensed
14 perfusionist without a hearing, a hearing must be commenced by
15 the Department shall be held within 30 days after the
16 suspension has occurred and shall be concluded as expeditiously
17 as may be practical without appreciable delay.

18 (Source: P.A. 91-580, eff. 1-1-00.)

19 (225 ILCS 125/212 new)

20 Sec. 212. Violations. Any person who violates any provision
21 of this Act shall be guilty of a Class A misdemeanor for a
22 first offense and a Class 4 felony for each subsequent offense.

23 (225 ILCS 125/220)

1 (Section scheduled to be repealed on January 1, 2010)

2 Sec. 220. Unlicensed practice; civil penalties.

3 (a) No person shall practice, offer to practice, attempt to
4 practice, or hold himself or herself out to practice as a
5 perfusionist without a license issued by the Department to that
6 person under this Act.

7 (b) In addition to any other penalty provided by law, a
8 person who violates subsection (a) of this Section shall pay a
9 civil penalty to the Department in an amount not to exceed
10 \$10,000 ~~\$5,000~~ for each offense as determined by the
11 Department. The civil penalty shall be assessed by the
12 Department after a hearing is held in accordance with the
13 provisions of ~~set forth in~~ this Act ~~regarding a hearing for the~~
14 ~~discipline of a licensee.~~

15 (c) The Department has the authority and power to
16 investigate any and all unlicensed activity.

17 (d) The civil penalty assessed under this Act shall be paid
18 within 60 days after the effective date of the order imposing
19 the civil penalty. The order shall constitute a judgment and
20 may be filed and execution had thereon ~~on the judgment~~ in the
21 same manner as a judgment from a court of record.

22 (e) All moneys collected under this Section shall be
23 deposited into the General Professions Dedicated Fund.

24 (Source: P.A. 91-580, eff. 1-1-00.)

25 (225 ILCS 125/227 new)

1 Sec. 227. Consent Order. At any point in the proceedings as
2 provided in Sections 85 through 130 and Section 150, both
3 parties may agree to a negotiated consent order. The consent
4 order shall be final upon signature of the Secretary.

5 (225 ILCS 125/230)

6 (Section scheduled to be repealed on January 1, 2010)

7 Sec. 230. Home rule powers. The regulation and licensing of
8 perfusionists are exclusive powers and functions of the State.
9 A home rule unit shall not regulate or license perfusionists.
10 This Section is a denial and limitation under subsection (h) of
11 Section 6 of Article VII of the Illinois Constitution.

12 (Source: P.A. 91-580, eff. 1-1-00.)

13 (225 ILCS 84/56 rep.)

14 (225 ILCS 84/65 rep.)

15 Section 20. The Orthotics, Prosthetics, and Pedorthics
16 Practice Act is amended by repealing Sections 56 and 65.

17 (225 ILCS 125/20 rep.)

18 (225 ILCS 125/42 rep.)

19 (225 ILCS 125/110 rep.)

20 (225 ILCS 125/130 rep.)

21 (225 ILCS 125/160 rep.)

22 (225 ILCS 125/175 rep.)

23 (225 ILCS 125/205 rep.)

1 Section 25. The Perfusionist Practice Act is amended by
2 repealing Sections 20, 42, 110, 130, 160, 175, and 205.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law."